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

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No..... OA 221/2007

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SECTION OFFICER (Judl.)

Salil
09/10/17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. _____/2014

B e t w e e n -

1. Shri Prahlad Basumatary, s/o Shri Hari Charan Basumatary, resident of vill- Bar Saderi, P.O.- Bhotanta Saderi, P.S.- Pattacharkuchi in the District of Barpeta, Assam. PIN- 781325. SSC Roll No. 5105550668, Category- ST.

.....Applicant.

Vs -

1. The Union of India represented by the Chairman of the Staff Selection Commission, Department of Personnel & Training, Ministry of Public Grievances & Pensions, Block No.-12, Kendriya Karyalay Parisar, Lodhi Road, New Delhi- 110003.

2. The Secretary cum controller of Examinations, Staff Selection Commission, Block No.12, Kendriya Karyalay Parisar, Lodhi Road, New Delhi- 110003.

3. The Regional Director (NER), Staff Selection Commission, HOUSEFED Complex, West End Block, Last Gate, Beltola Basistha Road, Dispur, Guwahati, Assam- 781006.

.....Respondents.

DETAILS OF APPLICATION

.1. The particulars against which this application is made:

This is an application under section 19 of the Central Administrative Tribunal, Act, 1985 before this Tribunal praying for a direction to the concerned respondent authorities to scrutinize the final selection list for recruitment for the

Contd...p/2

*Filed by the applicant
through
D. Basumatary, Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDE RS SHEET

1. Original Application No. 221 / 2007

2. Mise Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) D. N. Majharkhuiya VS Union of India & Ors

Advocate for the Applicants: - A. Ahmed, Ms. S. Bhattacharjee

Advocate for the Respondents: - C. C. S. C.

Note's of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C. F. for Rs. 50/-
deposited vide IPO/BD

No. 32 Cr. O. 40216

Dated. 21/8/07

Registrar

21.8.07

Heard counsel for the parties. By
consent the O.A is taken up for disposal at
the admission stage. The O.A is accordingly
disposed of in terms of the order recorded
separately. No order as to costs.

steps taken with
envelop.

20/8/07

Received
21/8/07
2007
CCS

21/8/07
2007
CCS

Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....
O.A. No. 221 of 2007.

DATE OF DECISION : 21-08-2007

Shri D. N. MajharbhuiyaApplicant/s

Sri A. AhmedAdvocate for the
Applicant/s

-Versus -

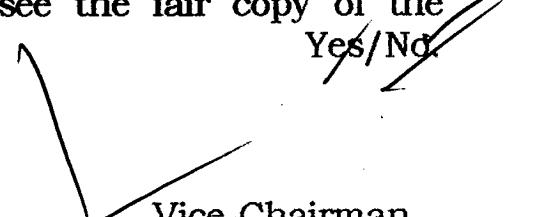
Union of India & Ors.Respondent/s

Sri M. Das, Addl. C.G.S.C.Advocate for the
Respondent/s

CORAM

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

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 to be forwarded for including in the Digest being compiled at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wise to see the fair copy of the judgment ? Yes/No


Vice-Chairman

21/8/07

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.221 of 2007.

Date of Order : This the 21st Day of August, 2007.

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

Shri Digendra Nath Majharbuiya
Son of Late Goramani Nath Majharbuiya
Assistant Engineer,
Meghalaya Central Division,
Shillong Central Sub Division No.III,
Central Public Works Department,
Dhankhieti, Shiillong-3.

.....Applicant

By Advocate Shri A. Ahmed

-Versus-

1. The Union of India represented by
the Secretary to the Govt. of India,
Ministry of Urban Affairs, Nirman Bhawan,
New Delhi-110011.
2. The Director General Works,
Central Public Works Department,
118-A, Nirman Bhawan,
New Delhi.
3. The Additional Director General of Works (ER),
Central Public Works Department,
Nizam Palace, 17th Floor,
234/4 AJC Bose Road,
Kolkata-20.
4. The Superintending Engineer,
Central Coordination Circle (ER), Public Works Department,
2nd MSO Building,
Nizam Palace, 17th Floor,
234/4 AJC Bose Road,
Kolkata-20.

.....Respondents

By Mrs M. Das, Addl.C.G.S.C

ORDER (ORAL)SACHIDANANDAN K.V. (V.C)

This is an application filed by the applicant who is working as Assistant Engineer under Shillong Central Sub Division No.III, Central Public Works Department, Dhankhieti, Shillong. His grievance is that as per Annexure-A order dated 13.5.2005 he was transferred from Silchar to Shillong and he joined the post on 9.6.2005. His contention is that he is due to retire in April 2009. The respondent No.4 vide Annexure-B order dated 28.3.2007 transferred the applicant from Shillong to Silchar in place of Sri R.C.Das who was reposted in his place in Shillong. Sri R.C.Das was earlier also transferred in his place. Being aggrieved by the transfer order he has verbally requested the respondent No.4 to modify the transfer order which was rejected by the Annexure-C impugned order dated 13.7.2007. He further contented that the transfer order was passed in total violation of the CPWD Manual Vol.I and hence this application challenging the impugned action of the respondents.

2. Heard Mr A.Ahmed, learned counsel for the applicant and Mrs M.Das, learned Addl.C.G.S.C for the respondents. The learned counsel for the applicant submitted that as per Section 8 of CPWD Manual Vol.I the normal tenure of stay of an officer at a particular station is 3 to 4 years (except in difficult areas where it is 3 years). He has quoted Annexure-D CPWD Manual Vol.I. The relevant portion of which is reproduced below.

"Where an officer is transferred from a station after having remained there for a period of four or more



years, he shall not again be transferred to the same station except after the lapse of a period of not less than four years from the date of his transfer from that station."

He submitted that the respondents have violated the above rule in transferring him and posting Shri R.C.Das in his place before completion of 2 years. He also submitted that since his representation was rejected by a mechanical order he may be allowed to submit an appeal before the 2nd respondent and a direction has been given to the said respondent to consider and dispose of his appeal by a speaking order. The learned Addl.C.G.S.C has submitted that she has no objection in adopting such proposal.

3. In the interest of justice this Court directs the applicant to make a comprehensive appeal within two weeks from today before the 2nd respondent and on receipt of such appeal the 2nd respondent or any other competent authority except respondent No.4 shall dispose of the appeal and communicate the same to the applicant by a speaking order within one month thereafter. This court further directs by way of interim order that the respondents shall not disturb the applicant from Shillong if he has not already been released.

Original Application is disposed of accordingly at the admission stage. There will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

20 AUG 2007
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
गुवाहाटी बैठकघोष
Guwahati Bench

O. A. NO 221 / 2007.

Shri Digendra Nath Majharbuiya

...Applicant

- Versus -

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS:

13.5.2005 Applicant was transferred from Silchar Central Circle (Planning) to Meghalaya Central Division vide Office Order No. 25 of 2005/SE(Co-ord.) ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/KOL/2005/ 374 vice one Shri R.C.Das.
(Annexure-A)

9.6.2005 Applicant joined as Assistant Engineer (Civil) in Meghalaya Central Division CPWD, Shillong and working till date as such. He is due to retire in April, 2009.

28.3.2007 Respondent No.4 issued Office Order No.14 of 2007/SE(Co-ord)/ER bearing No. 21(601)/SE(Co-ord)/ER/CPWD/Kol/2007/227 transferring the Applicant to Silchar Central Circle and Shri R.C.Das was reposted in his place at Shillong.

(Impugned order, Annexure-B)

15.6.2007 Being aggrieved by the transfer order Applicant verbally requested the Respondent No.4 to modify the transfer order. But seeing no response he made a representation dated 15.6.2007 for modification of his transfer order.

13.7.2007 Respondents rejected his claim in two line mechanical order.

(Impugned order, Annexure-C)

As per Section 8 of CPWD Manual Vol.I the normal tenure of stay of an officer at a particular station is 3 to 4 years (except in difficult areas where it is 3 years). However, the Respondents have violated the aforesaid Rules in issuing the transfer



order and Shri R.C.Das is re-posted at
Shillong before completion of 2 years in
the station.

(Annexure-D)

Hence this Original Application for
payment of seeking justice in the matter.



केन्द्रीय प्रशासनिक अधिकारण
 Central Administrative Tribunal
 20 AUG 2007
 गवाहाटी = गवाहाटी
 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 of The Administrative
Tribunal Act 1985)

ORIGINAL APPLICATION NO. 221 OF 2007.

O. A. NO. _____ / 2007.

Shri Digendra Nath Majharbhuia

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Date: 20-08-2007.

Filed By:

Smita Bhattacharjee
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

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

FILED BY
Shri Digendra Nath Majharbuiya
Applicant
Through- Smila Bhattacharjee
(Advocate)

ORIGINAL APPLICATION NO.221 OF 2007.

BETWEEN

Shri Digendra Nath Majharbuiya
Son of Late Goramani Nath
Majarbuiya, Assistant Engineer
Meghalaya Central Division,
Shillong Central Sub-Division
No.III, Central Public Works
Department, Dhankheti, Shillong-3

...Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Urban Affairs, Nirman Bhawan, New Delhi-110011.
2. The Director General Works, Central Public Works Department, 118-A, Nirman Bhawan, New Delhi-110011.
3. The Additional Director General of Works (ER), Central Public Works Department, Nizam Palace, 17th floor, 234/4 AJC Bose Road, Kolkata-20.
4. The Superintending Engineer, Central Coordination Circle (ER), Public Works Department, 2nd MSO Building, Nizam Palace, 17th floor, 234/4 AJC Bose Road, Kolkata-20.

...Respondents



DETAILS OF THE APPLICATION

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

This application is directed against the illegal and arbitrary transfer of the applicant vide Office Order No.14 of 2007 / SE (Cr) Order bearing No.21(601/SECo-ordn.)7ER/CPWD/KOL/2007/227 dated 28.03.2007 issued by the Respondent No.4 whereby Applicant was transferred from Meghalaya Central Division to Silchar Central Circle (Planning), Silchar, C.P.W.D. and also against the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time. Now he is aged about 58 years.

4.2) That your applicant begs to state that he is working as Assistant Engineer, Central Public Works




Department. Now he is posted at Shillong Central Sub-Division No. III under Meghalaya Central Circle, Shillong-3 since 09.06.2007. He was transferred from Silchar Central Circle (Planning) to Meghalaya Central Division vide Office Order No.25 of 2005/SE(Co-ord.)ER bearing No.21(601)/SE(Co-ordn.)/ER/C.P.W.D./KOL/2005/374 dated 13.05.2005 vice one Shri R.C. Das.... It is to be stated that Shri R.C.Das was transferred to Silchar Indo-Bangladesh Border Road Maintenance Sub-Division (I.B.B.R. in short).

Photocopy of Office Order No. 25 of 2005/SE(Co-ord.)ER bearing No.21(601)/SE(Co-ordn.)/ER/C.P.W.D./KOL/2005/374 dated 13.05.2005 is annexed herewith and marked as **ANNEXURE- A**.

4.3) That your applicant begs to state that he has joined as Assistant Engineer (Civil) in Meghalaya Central Division CPWD, Shillong on 9th June 2005. Till now he is working in the said post. His date of retirement is in the month of April 2009.

4.4) That your applicant begs to state that the Respondent No. 4 vide his Office Order No. 14 of 2007/SE(Co-ord)ER bearing No.21(601)/SE(Co-ord)/ER/CPWD/Kol/2007/227 dated 28-03-2007 transferred him again to Silchar Central Circle, as Assistant Engineer (Planning) IBBRM CPWD and Shri R.C. Das was again re-posted to Shillong from Silchar in place of the Applicant's present posting. It is to be stated that Shri R.C. Das was transferred to Silchar from Shillong vide Order dated 13-05-2005 and he was again transferred back to his earlier place of posting at Shillong vide the impugned transfer Order dated 28-03-2007.

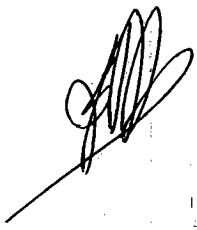


Photocopy of the Office Order No. 14
of 2007/SE(Coord) ER bearing No. 21(601)/S
E(Co-ord)/ER/CPWD/Kol/2007/227 dated
28-03-2007 is annexed herewith and
marked as **ANNEXURE- B.**

4.5) That your applicant begs to state that being aggrieved by the transfer Order dated 28-03-2007, he verbally requested the Respondent No. 4 to modify his transfer Order. But the Respondent No. 4 refused to do so. Lastly, he filed a representation on 15-06-2007 for modification of his transfer Order. The Respondent No. 4 vide his letter No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 rejected the Applicant's representation in two line mechanical order. It is to be stated that the Office copy of the representation dated 15-06-2007 submitted by the Applicant is misplaced and in spite of his best efforts the Applicant could not trace out the same. As such finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Photocopy of the Rejection Order No.
21(600)/SE(C)/ER/Kol/CDN-VI/2007/533
dated 13-07-2007 issued by the
Respondent No. 4 is annexed herewith
and marked as **ANNEXURE- C.**

4.6) That your applicant begs to state that the Central Public Works Department have certain Guidelines and Rules regarding transfers of Gazetted Engineering Services. The aforesaid Rules are enumerated in CPWD Manual Vol. I Section 8. The normal tenure of stay of an Officer at a particular station is 3 to 4 years (except in difficult areas where it is 3



years). As per Transfer Rules 7(e)"where an officer is transferred from a station after having remained there for a period of 4 or more years, he shall not again be transferred to the same station except after lapse of a period of not less than 4 years from the date of his transfer from that station."

Photocopy of the relevant portion of the CPWD Manual Vol.-I Transfer Policy of Gazetted Engineering Services is annexed herewith and marked as ANNEXURE- D.

4.7) That your Applicant begs to state and submit that the Respondents have violated the Transfer Rules and Guidelines as mentioned in the CPWD Manual Vol.-I Chapter 8 Paragraph 7(e). In the impugned Transfer Order Assistant Engineer Shri R.C. Das who was earlier posted at Meghalaya Central Division, Shillong in the month of May 2005 and again in the month of March 2007 he was posted in the same station at Shillong after lapse of less than 2 years which amount to violation of CPWD Transfer Rules.

4.8) That your applicant begs to state and submit that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.

4.9) That your Applicant respectfully submits that the legitimate expectation of the Applicant, in view of the facts and circumstances that have narrated above, have apparently been infringed in the instant case.



4.10) That your applicant begs to submit that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

4.11) That your applicant submits that the action of the Respondents by which the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a malafide intention only to deprive the application from his legitimate right.

4.12) That your applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the Transfer policy adopted by the Central Public Works Department.

4.13) That in view of the facts and circumstances it is a fit case for issuing an interim order by this Hon'ble Tribunal by giving a direction to the Respondents not to implement the Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 in case of the applicant till disposal of this Original application.

4.14) That this application is filed bonafide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, malafide, arbitrary and without jurisdiction. Hence, the impugned Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Co-



ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 and the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 are liable to be set aside and quashed.

5.2) For that, the Respondents have violated their own Rules and Guidelines regarding Transfer. Hence the impugned Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 and the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 are liable to be set aside and quashed.

5.3) For that according to the CPWD Manual Vol.-I Chapter 8 Paragraph 7(e), an officer cannot be transferred to the same station from which he had been transferred to the present place of posting before the lapse of 4 years from the date of his transfer from that station. In the instant case the Applicant has been transferred to the earlier place of posting before the lapse of 2 years. Hence the impugned Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 and the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 are liable to be set aside and quashed.

5.4) For that, the applicant has suffered mental anxiety for last three months without his fault. Hence the impugned Office Order No.14 of 2007/SE (Coord)ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 and the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 are liable to be set aside and quashed.

5.5) For that the impugned transfer Order is *prima facie* bad in law as well as in fact. Hence the impugned



Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 and the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007 are liable to be set aside and quashed.

- 5.6) For that the Respondents have violated the Articles 14, 16 & 20 of the Constitution of India. As such, the impugned transfer order and impugned rejection order are liable to be set aside and quashed.
- 5.7) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive. As such, the impugned transfer order and the impugned rejection order are liable to be set aside and quashed.
- 5.8) For that, in any view of the matter the action of the respondents are not sustainable in the eye of law as well as fact. As such, the impugned transfer order and the impugned rejection order are liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

That the applicant further declares that he has not filed any application, writ petition or suit in respect



of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the impugned Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Coordin.)/ER/CPWD/Kol/2007/227 dated 28-03-2007 as well as the Rejection Order No. 21(600)/SE(C)/ER/Kol/CDN-VI/2007/533 dated 13-07-2007.
- 8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.



9. INTERIM ORDER PRAYED FOR:

The applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal by giving a direction to the Respondents not to implement the Office Order No.14 of 2007/SE(Coord)ER bearing No.21(601)/SE(Coordin.)/ER/CPWD/Kol/20 07/227 dated 28-03-2007 in case of the applicant till disposal of this Original application.

10. Application is filed through Advocate.

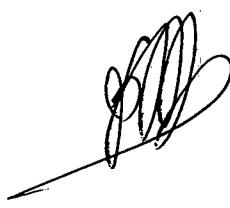
11. Particulars of I.P.O.:

I.P.O. No. 32 G 040216
Date of Issue 2-8-2007
Issued from Guwahati GPO
Payable at Guwahati,

12. LIST OF ENCLOSURES:

As stated above.

Verification



VERIFICATION

I, Shri Shri Digendra Nath Majharbuiya, Assistant Engineer (Planning) Central Public Works Department, Silchar Central Circle, Malugram, Mela Road, Silchar-2do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.7 to 4.14 — are true to my knowledge, those made in paragraph nos.

4.2 to 4.6 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 18th day of August 2007.

Digendranath Majharbuiya

D E C L A R A N T

-12-

ANNEXURE A

GOVERNMENT OF INDIA
 CENTRAL PUBLIC WORKS DEPARTMENT
 OFFICE OF THE SUPERINTENDING ENGINEER
 COORDINATION CIRCLE (ER),
 2ND MSO BUILDING, NIZAM PALACE, 17TH FLOOR,
 234/4 A.J.C. BOSE ROAD, KOLKATA - 20.
 TEL: (033) 2287-7416. FAX NO. (033) 2281-3183.

No.21(601)/SE(Co-ord.)/ER/CPWD/KOL/2005/ 374

Dated: 13/5/05

OFFICE ORDER NO 25 OF 2005/SE(CO-ORD)ER

ADG(ER), C.P.W.D., Kolkata is pleased to decide transfer/posting of following Assistant Engineers(Civil) in public interest with immediate effect.

Sl.No.	Name of AE(C) Shri/Smt.	From	To	Vice Shri/Smt.	Sl.No.
1.	M.N.Ray	BFR Circle/Kol	Sub-Div.II under KCD-IV/Kol	Ex.vacancy	
2.	Dipankar Baruah	SE(P)/NEZ, Shillong	Sub-Div.III under KCD-VI/Kol	D.K.Mondal retd.	
3.	B. Das	NED/Kol	KCC-I/Kol	Anjan Dey <i>Retd.</i>	5
4.	P.K.Nath	BCD-I/Bhubaneswar	BCD-I/Bhubaneswar	Retention upto 3/06	
5.	Anjan Kumar Dey	KCC-I/Kol	Sub-Div.IV under KCD-VI/Kol	D.C.Shah retd.	
6.	S.K.Dey	KCD-I/Kol	KCD-I/Kol	Retention upto 3/06	
7.	M.K.Roy	MCNC/Berhampur	Sub-Div.II under KCD-II/Kol	Ex.vacancy	
8.	A.K.Mukherjee	SE(P&A)EZ-I/Kol	BCD-II/Barasat HQ:Barasat	A.Mallick under order of transfer	
9.	A.G.Pal	SE(P&A)EZ-I/Kol	Sub-Div.V under KCD-II/Kol	R.Das Gupta retd.	
10.	T.K.Chakraborty	SCMD/Silchar HQ:Demaguri	AE(P), KCD-II/Kol	Exvacancy	
11.	M.K.Ray	SE(P&A)IBBR/Siliguri	KCSD/Kol under KCD- VII/Kol	Ex.vacancy. Shifted from K'nagar	
12.	B.Biswas	KCD-III/Kol	AE(P), KCC-III/Kol	Ex.vacancy	
13.	Sudip Bhattacharjee	MCC/Malda	Sub-Div.I under KCD-VI/Kol	Ex.vacancy	
14.	Dilip Kumar Biswas	BLCD-I/Balurghat	AE, Val.Cell/Kol	Exvacancy	
15.	T.K.Chandra	KCMD/Khagar HQ:Masinagpur	AE, RTI/Kol	M.K.Bhadra retd.	
16.	Amod Kumar	BUCD/Suniadpur	SE(P)EZ-II/Pathia	Ex.vacancy	
17.	B.C.Barmi	SE(P&A)IBBR/Siliguri	AE(P), CBCD-I/ Coochbehar	P.Misra	25
18.	Prantik Roy	SCD/IBBZ, Siliguri HQ:Jalpaiguri	AE(P), BFR Circle/ Kol	M.N.Ray	1
19.	Sanjay Kumar	DCD/Dhanbad HQ:Hazaribag	AE(P), MCC/IBBZ, Malda	Sudip Bhattacharjee	SIC
20.	S.Roy Chowdhury	BCLMD/Balurghat HQ:Gangarampur	SE(P&A)IBBR, Siliguri	M.K.Ray	SB 13
					BE (A)
					EE (P)
					OS

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M.K.Pal	SCC/Silchar	Sub-Div.II under AAWD/Guwahati HQ:Mohanbari	Lohit Sonowal	22
Lohit Sonowal	Sub-Div.II under AAWD/Guwahati HQ:Mohanbari	SCC/Silchar	M.K.Pal	21
M.K.Singh	TBBRMD/Ajantaola HQ: Sabroom	PCD-II/Pathna HQ:Kishanganj	Ex.vacancy	
R.N.Singh	BCD-I/Bhubaneswar HQ:Juri	BCD-I/Bhubaneswar HQ:Puri	Retention upto 3/06	
Purnendu Mishra	CBCD-I/Coochbehar	BCD-II/Bhubaneswar	A.K.Seal retd.	
Ajay Kumar	TZCD/Tezpur	PCD-II/Pathna	H.P.Kusum retd.	
Nandan Dhar	ACC-II/Guwahati	PD-II/Guwahati	S.K.Dutta	28
S.K.Dutta	PD-II/Guwahati	ACC-II/Guwahati	Nandan Dhar	27
D.N.Majherbhuiya	SCC/Silchar	MGCD/Shillong	R.C.Das	30
R.C.Das	MGC/D/Shillong	Sub-Div.II under SCMD/Silchar HQ:Dhingirli	T.K.Chakraborty	10
N.G.Sharma	ACC-II/Guwahati	GCD/Guwahati HQ:Tura	T.K.Deori	32
T.K.Deori	GCD/Guwahati HQ:Tura	ACC-II/Guwaahati	N.G.Sharma	31
L.P.Patir	AAWD/Guwahati HQ:Doom Dooma	Sub-DIV.II under KCD/Khatkhati	Ex.vacancy	
A.N.Singh	NAAPD/Guwahati	KCD-VII/Kol HQ:Dum dum	D.K.Dey retd.	
P.K.Baruah	AAWD/Guwahati HQ:Jorhat	TZCD/Tezpur	Ajay Kumar	26
Laxminar Murmu	MCD-II/Malda	DCD/Dhanbad HQ:Haaribagh	Sanjay Kumar	19
I.A.Majumder	ACD/Aizwal	SCD/Silchar	S.K.Roy	38
S.K.Roy	SCD/Silchar	ACD/Aizawl	I.A.Majumder	37
P.K.Mohanty	GCD-II/Bhubaneswar	BCC/Bhubaneswar	Ex.vacancy	
Sunil Kumar	ACC-II/Guwahati	Val. Cell/Ranchi	G.S.Bist(IR transfer)	
Biswajeet Das	NLD/Kol	KCSD-IV under KCD-VIII/Kol	Ex.vacancy. Shifted from Dhulian from KCD-VII/Kol	
S.C.Ghosh	AAWD/Guwahati	AAWD/Guwahati	Retention upto 3/06	

Note: Sl.No.40 will not admissible for TA/DA,Joining time etc.

1. The Officers placed in der orders of posting/transfer should immediately proceed to their respective places and send two copies each of TR-1 form with their names in capite letters to the Section Officer, EC-III section to DG(W) and also to this Office giving reference to these orders. The Officers in charge under whom they are working should ensure that the concerned Officers are relieved immediately without waiting for their substitutes.

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2. They should send a certificate for having written their self-appraisal and the CRS in respect of the officers under them in the prescribed form vide Para 3 of D.S (W)'s OM No. 15/S/79-CR Cell dated 16-6-90.
3. In terms of D.F(W)'s O.M. No. 28/10/(18)/99-EC-III dated 15-7-99 in case the AEs on transfer are not relieved they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and will not be eligible to draw pay and allowances from their present offices thereafter unless their transfer orders are cancelled/modified or further instruction given from ADG(ER), CPWD, Kolkata/ADG(S&P).
4. The practice of not accepting the joining report of officers while they submit the same on their transfer to the concerned officer and directing the concerned officer to report back to this office should be avoided. Henceforth all the CEs/SEs/EEs are requested to accept the joining report of the officer concerned who on their transfer submit their joining report to them. If something they want to say, they may take up the matter later on with ADG(ER), CPWD, Kolkata.

(C.S.MITAL)
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER)
C.P.W.D., KOLKATA.

Copy to:

1. DCW, Nirman Bhawan, New Delhi.
2. ADD (ER), Nicam Palace, Kolkata - 20.
3. CE/EZ-I, EZ-II, NEZ, IBBZ, IBBR(MZ), CE(E)ER.
4. The concerned Superintending Engineer (Civil.) of C.P.W.D., Eastern Region and IBBZ & IBBR(MZ).
5. The concerned Executive Engineer (Civil), of C.P.W.D, Eastern Region.
6. Person Concerned (through their controlling Officer)
7. The Secretary, CPWD Engineers' Association, Kolkata.

**SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).**

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Kind Attention Sh. A. K. Gupta.

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ANNEXURE-- B

GOVERNMENT OF INDIA
 CENTRAL PUBLIC WORKS DEPARTMENT
 OFFICE OF THE SUPERINTENDING ENGINEER, COORDINATION CIRCLE (ER),
 2ND MSO BUILDING, NIZAM PALACE, 17TH FLOOR, 234/4 A.J.C. BOSE ROAD, KOLKATA - 20.
 TEL: (033) 2287-7416. FAX NO. (033) 2281-3183.

No.21(601)/SE(Co-ordn.)/ER/CPWD/Kol/2007/227

Dated: 28.3.2007

OFFICE ORDER NO /4 OF 2007/SE(Co-ORD)ER

The ADD(Er), CPWD, Nizam Palace, Kolkata is pleased to decide the transfer/posting of the following Asstt. Engineers(Civil) And AEE(Civil) under ER in public interest with immediate effect.

Sl. No.	Name Shri/Smt.	From	To	Remarks Vice-shr/smt.
1.	V.K.GARG	NR	AE(P), O/O-SE(P), IBBZ, SILIGURI	EX-VACANCY
2.	RAJIB PAUL	SCMD, IBBRM, SILIGURI HQ: JALPAIGURI	AE, TCMD, IBBR IBBRM, TURAK	D.N.CHOWDHURY
3.	RANJAN CHAKRABORTY	MCMD, IBBRM, BERIHAMPUR HQ: MALDA	AE(P), SCC, EZ-I, SILIGURI	EX-VACANCY
4.	R.C.DAS	SCMD, IBBRM, SHILCHAR HQ: DEMAGIRI	AE, MUDI, SHILLONG	D.N. MAJHERBHUIYA
5.	P.NANDI	CBCC, IBBZ, COOCHBEHAR	AE(P), SCC, EZ-I, SILIGURI	EX-VACANCY
6.	KULDIP SINGH	CBCD-II, IBBZ, COOCHBEHAR	AE(P), CBCD-II, IBBZ, COOCHBEHAR	EX-VACANCY
7.	VIJAY KUMAR	SCD, IBBZ, SILIGURI, HQ: JALPAIGURI	AE, PMGSY, EZ-II, HQ: DARBHAA, IDA	EX-VACANCY
8.	BISWAJIT DAS	KCD-VIII, KOLKATA	AE(P), KCC III, KOLKATA	S.B.DEY
9.	M.K.PAL	KCD-IV, KOLKATA	AE, CBCD-II, IBBZ, COOCHBEHAR	KULDIP SINGH
10.	D.K.RAKSHIT	KCD-VI, KOLKATA	AE, SCMD, IBBRM, SILIGURI HQ: JALPAIGURI	RAJIB PAUL
11.	S.B.DEY	KCC-III, KOLKATA	AE(P), O/O- SE(P), KOLKATA	EX-VACANCY
12.	P.C.CHANDA	KCD-III, KOLKATA	VAL.CELL, ITAX, KOLKATA	EX-VACANCY
13.	P.K.BHATTACHARYA	KCD-V, KOLKATA	AE, TCD, AGARTALA HQ: DAULAT	EX-VACANCY
14.	CHANDER PAL	SE(P), EZ-I, KOLKATA	AE, KCD-V, KOLKATA	P.K.BHATTACHARYA
15.	P.K.NATH	BCC, BHUBANESWAR	AE(P), KCD-III, KOLKATA	P.C.CHANDA
16.	A.K.CHATTERJEE/ADITYAY	BCC-I, BHUBANESWAR	AE, CCD, GANOTOK, HQ: SILIGURI	C.P.SHARMA

Contd. To Page2..

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(1)

Sl. No.	Name Shri/Smt.	From	To	Remarks Vice-shri/smt.
17.	I.K.PRASAD	PGC, PATNA	AE, PMGSY, EZII, PATNA	EX-VACANCY
18.	RAJ KUMAR	PGD-I, PATNA	AE(P), O/O-SE(P), EZ-II, PATNA	EX-VACANCY
19.	RAMEN BORAH	GCD, GUWAHATI, HQ; KHANAPARA	AE, TZCEI, TEZPUR, HQ; DIPUJ	EX-VACANCY
20.	D. N. MAJHERJHUTIYA	MGCD, SHILLONG	AE(P), SCC, IDBRM, SILCHAR	EX-VACANCY
21.	NANDAN DHAR	PD-II, GUWAHATI	AE, MCD-I, IMPHAL	EX-VACANCY
22.	A.K.GUPTA	SE(P), SHILLONG	AE, PD-II, GUWAHATI	NANDAN DHAR

1. The Officers placed under orders of posting/transfer should immediately proceed to their respective places and send two copies each of TR-1 form with their names in capital letters to the Section Officer, EC-III section to DG(W) and also to this Office giving reference to these orders. The Officers in charge under whom they are working should ensure that the concerned Officers are relieved immediately without waiting for their substitutes.

2. They should send a certificate for having written their self-appraisal and the CRS in respect of the officers under them in the prescribed form vide Para 3 of Do (w)'s OM No. 15/5/79-CR Cell dated 16-6-90.

3. In terms of DG(W)'s O.M. No. 28/18/(18)/99-EC-III dated 13-7-99 in case the AEs on transfer are not relieved they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and will not be eligible to draw pay and allowances from their present offices thereafter unless their transfer orders are cancelled/modified or further instruction given from ADG(ER), CPWD, Kolkata/ADG(S&P).

4. The practice of not accepting the joining report of officers while they submit the same on their transfer to the concerned officer and directing the concerned officer to report back to this office should be avoided. Henceforth all the CEs/SEs/EEs are requested to accept the joining report of the officer concerned who on their transfer submit their joining report to them. If something they want to say, they may take up the matter later on with ADG(ER), CPWD, Kolkata.

SUPERINTENDING ENGINEER(COORD)ER

Copy to:

1. DGW, Nirman Bhawan, New Delhi (EC-III) for information.
2. ADG (ER), Nizam Palace, Kolkata - 20.
3. Concerned CE under ER.
4. Concerned SE under ER.
5. Concerned EE under ER.
6. Person concerned through their Controlling Officers.
7. The Secretary, CPWD Engineers' Association, Kolkata

R. Bhattacharyay
SUPERINTENDING ENGINEER(COORD)ER

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ADVOCATE

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER, COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NIZAM PALACE, 17TH FLOOR, 234/4 A.J.C. BOSE ROAD, KOLKATA - 20.
TEL: (033) 2287-7416. FAX NO. (033) 2281-3183.

No.21(600)/SE(C)/ER/Kol/CDN-VI/2007/ 533

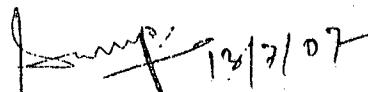
Date: 13-7-07

To
Shri D.N.MAJHERBHUIYA,
Assistant Engineer (C),
Through the Executive Engineer,
Meghalaya Central Division,
C.P.W.D., Cleve's Colony,
Dhanketi, Shillong-3.

Sub: Your representation dated 15.6.2007 for
Transfer/Posting.

Your representation dated 15.6.2007 has been carefully examined by the Transfer-
Posting Committee in the meeting held on 6.7.2007. But your request could not be acceded to.

This is for your information.

 13/7/07
V SUPERINTENDING ENGINEER(COORD.)ER.

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केन्द्रीय लोक निर्माण विभाग।

C. P. W. D.

नियम-पुस्तिका

MANUAL

भाग 1
VOLUME I

(कर्मचारी, स्थापना, संगठन और कार्यालय पद्धति)
(Staff, Establishment, Organisation and Office Procedure)

1992 संस्करण
1992 Edition

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2. All transfers should be carefully planned within reasonable space of time. To avoid dislocation of work, a large number of officials of one office are not transferred out simultaneously. As far as possible the transfers should take effect after the end of the financial year/academic year. Transfers during the rest of the year should be ordered only to the extent it is absolutely necessary from administrative point of view and on account of transfer/closure/opening of the Divisions/Sub-Divisions and retirement/death/resignation of Officers.

3. With the above in view the transfer rules have been prescribed for different categories of officers and staff of the Department. The salient features of these rules as applicable to various categories of officials in different regions are given below.

Gazetted Engineering Services

4. Transfers and posting of Chief Engineers are ordered by the Ministry of Urban Development according to requirements of the administration.

5. Superintending Engineers are considered for transfer after they have completed 3-4 years at one station. The transfer and posting of Superintending Engineers are ordered by the Director General of Works.

6. The transfer of Executive Engineers also is ordered by the Director General of Works and that of Assistant Executive Engineers and Assistant Engineers, by Director of Administration by virtue of an internal delegation of powers on the basis of the recommendation of the Posting/Transfer Committee. The constitution of such committee is given at the end of this section. A tenure of 3-4 years is normally observed. The transfer of Assistant Engineers within the Zone may however be ordered by the Chief Engineers of respective Zone provided the transfer does not involve change of station. The transfer of Assistant Directors of Horticulture within Delhi will be ordered by the Director of Horticulture. Inter-station transfers of Assistant Director of Horticulture and transfers of Dy. Director of Horticulture shall be ordered by DG(W).

7. While deciding the transfers, several factors, viz. Tenure Transfer Rules, Hard area posting Zonal requirements, Deputation policy of the Department,

judicious balance between the needs of the Department and personal difficulties of the individual officers etc. are taken into account. The normal tenure of stay of the officers at a particular station is 3-4 years (except in difficult areas where it is 3 years). This period may be increased by the Director General of Works in exceptional cases, in the exigencies of public service. The transfers after completion of tenure are considered in the light of the following:-

- (a) In the case of Assistant Engineers the tenure of stay in Delhi can be extended up to 6 years.
- (b) In case of Deputy Directors and Assistant Directors in Horticulture Directorate, the transfers will be made from Divisions/Sub-Divisions to Divisions/Sub-Divisions basis in rotation in Delhi.
- (c) The normal tenure in hard areas is three years. However in accordance with the G.I.M.F. O.M. No. 20014/3/83 E. IV dated 14-12-83 (as amended from time to time) the tenure in North-Eastern region shall be 2 years for officers with more than 10 years service and 3 years for those with less than 10 years service. These instructions cover the states of Assam, Meghalaya, Manipur, Nagaland, Arunachal Pradesh and Tripura and the Union Territories of Mizoram and Andaman. The tenure in I.B.B. Zone will be two years and choice posting will be given to the officers on completion of tenure posting.
- (d) The transfer of an officer from one post to another within the same station, whether on promotion or otherwise, shall not have the effect of debarring the application of the tenure transfer rule.
- (e) *(Note)* Where an Officer is transferred from a station after having remained there for a period of four or more years, he shall not again be transferred to the same station except after the lapse of a period of not less than four years from the date of his transfer from that station.
- (f) The period of leave availed of by an Officer shall be reckoned as duty rendered at the station from which he proceeded on leave.

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