

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 39/2007.....

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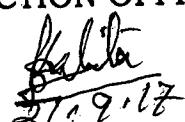
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SECTION OFFICER (Judl.)

  
27.9.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 39/07/
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) B.L.P. Gupta vs Union of India & Ors

Advocate for the Applicant(s) Mr. B. Malakar, Mr. G. B. Das  
MS S. Bora.

Advocate for the Respondent(s) Adv. Case Ms. M. Datta

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.P. 14 of 2007 deposited on 12.2.07 No. 340 650549	12.2.07	Post the matter on 13.2.07. <u>✓</u> Vice-Chairman
Dated 12.2.07 By Registrar <u>gleno</u>	13.2.07	Post the matter on 14.2.07. <u>✓</u> Vice-Chairman

Copies of the Respondents have  
been filed by the applicant  
with Envelops for issuing.

N.Sarkar  
9.2.07 -

14.2.2007

The Applicant who was working as  
Work Sarkar in Arunachal Pradesh was inter  
circle transfer to Jharkhand alongwith 14  
others vide Annexure-C order. According to  
him, transfers with regard to the other 14  
employees were made effective and he has

Contd.  
14.2.2007

been singled out as his order of transfer was cancelled vide Annexure-D order dated 9.12.2006. Thereafter, on 29.1.2007, he has been again transferred to Yusum Village, Jang vide Annexure-E order in which it is directed that the Applicant has to substitute Sri A. N. Pandey, W/C Khalasi who is to be relieved for joining at Maithan. The said order is impugned in this O.A.

Heard Mr.B.Malakar, learned counsel

for the Applicant. Ms. U. Das, learned Addl.C.G.S.C. sought for time to obtain instruction in the matter. Let it be done.

Notice on behalf of  
all respondents received  
J.P. H  
23/2/2007  
SE, NERIA  
CSC, Itanagar

Post the case on 28.3.2007. In the meantime, the operation of Annexure-E order dated 29.01.2007 is stayed and it is further directed that the Applicant will be permitted to continue to work at Nyukcharong (Chu), Investigation Sub Division Jang till the next date.)

Vice-Chairman

/bb/

12.3.07.

post the matter on 28.3.07.

Member

Vice-Chairman

Post on 10.4.2007.

No Wks has been  
billed

26  
27.3.07.

19.4.07

an additional affidavit  
billed by Applicant page

/bb/

No Wks has been billed.

23  
8.5.07.

Vice-Chairman

9.5.07. Counsel for the applicant has submitted that he wants to file additional affidavit and he prays for time. Let the case be listed on 24.5.07. Respondents are at liberty to file written statement.

① Add. affidavit filed.

② No Wts has been bailed.

Vice-Chairman

lm

23.5.07.

24.5.07.

Counsel for the applicant has filed additional affidavit. Counsel for the respondents wanted time to file written statement. Considering issue involve I am of the view that the applicant has to be admitted.

Application is admitted. Issue notice on the respondents. Post the matter on 25.6.07.

No Wts bailed.

22.6.07.

Vice-Chairman

lm

Wts not bailed.

24.7.07.

25.6.07.

At the request of learned counsel for the respondents four weeks time is granted to file written statement. Post the matter on 25.7.07.

Vice-Chairman

lm

Wts not bailed.

10.9.07.

25.7.07. Written statement has been filed. Let it brought on record. Liberty is given to the applicant to file rejoinder if any. Post the matter on 13.8.07.

Vice-Chairman

lm

4-  
0.4.39/07

11.9.07

Counsel for the respondent has prayed for time to file written statement. Let it be done. Post the matter on 1.10.07. Counsel for the respondents has submitted that as per interim order the applicant is continuing in service.

Wts not filed.

28.9.07.

lm

  
Vice-Chairman

01.10.07:

Reply filed by the Respondents to-day.

After serving of the copy of the reply counsel for the <sup>Applicant</sup> seeks more time for filing rejoinder.

Call this matter on 8.11.07 for final hearing. Rejoinder, if any, be filed by 5<sup>th</sup> November, 2007

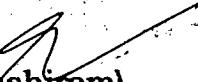
3.10.07  
Wts filed by  
the Respondents.  
Copy served.

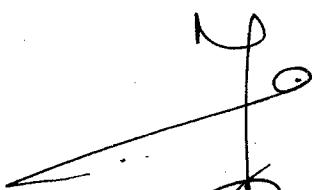
2007.

Call this matter on 8<sup>th</sup> November, 2007.

Rejoinder not filed.

7.11.07.

  
(Khushiram)  
Member(A)

  
(manoranjan Mahanty)  
Vice-Chairman

13.11.07

Rejoinder submitted  
by the Applicant.  
Copy not served.



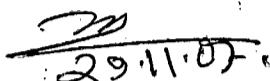
08.11.2007 Rejoinder has not been filed.

Mr. B. Malakar, learned counsel for the Applicant will file the rejoinder during the course of the day.

Call this matter on 30.11.2007.

The case is ready  
for hearing.

  
Member(A)

  
29/11/07

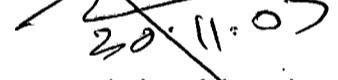
Lm

~~30.11.2007~~ Judgment pronounced in open Court. Kept in separate sheets. Mr. B. Malakar, learned counsel for the Applicant and Ms. Usha is Das, learned No order as to costs. Counsel appearing for the Union of India.

~~Hearing concluded. Order reserved.~~

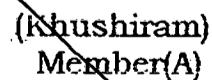
  
(Khushiram)  
Member(A)

Lm

  
(Khushiram)  
Member(A)

~~05.12.2007~~ Judgment pronounced in open Court. Kept in separate sheets.

~~This Original Application is dismissed. No order as to costs.~~

  
(Khushiram)  
Member(A)

Lm

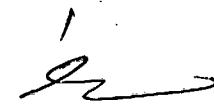
30.11.07 Heard Mr. B. Malakar, learned counsel appearing for the Applicant and Ms. U. Das, learned Addl. Standing Counsel appearing for the Union of India. Hearing concluded. Judgment reserved.

  
(Khushiram)  
Member(A)

Lm

05.12.2007 Judgment pronounced in open Court. Kept in separate sheets.

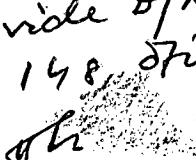
This Original Application is dismissed. No order as to costs.

  
(Khushiram)  
Member(A)

Lm

Copy received  
Ratul Das  
Advocate  
07-01-2008  
for applicant.

18.3.08

  
Ratul Das  
vile 8/ Nos 145 to  
148, 872, 1451, 08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.39/2007 (With M.P.27/07 )

DATE OF DECISION : 05-12-2007

Sri Bhagwan Lal Prasad Gupta

.....Applicant/s

Mr B. Malakar

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

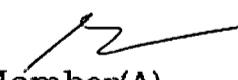
Miss U. Das, Addl.C.G.S.C.

.....Advocate for the  
Respondent/s

CORAM

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.

  
Mamber(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.39 of 2007. ( M.P. 27/07)

Date of Order : This the 5th Day of December, 2007.

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Bhagwan Lal Prasad Gupta,  
Son of Sri Khobhri Sah,  
Work Sarkar Grade-I.  
NEIC Div. III, CWC, Jang, Chimpur,  
Itanagar (A.P)

.....Applicant

By Advocate Shri B. Malakar

Versus –

1. The Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K.Puram,  
New Delhi-66.
2. The Secretary to the Govt.  
of India, Ministry of Water Resources,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi-1.
3. The Chief Engineer,  
Brahmaputra & Barak Basin Organisation,  
C.W.C, Jamir Mansion,  
Shilling-14, Meghalaya.
4. Executive Engineer,  
NEID-III, CWC, Itanagar,  
Arunachal Pradesh. ....Respondents

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

ORDER

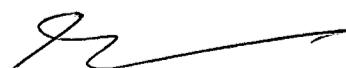
KHUSHIRAM, (MEMBER-A)

The applicant was employed as Work Sarkar Grade-II,  
NEIC Division III, CWC, Jang Chimpur, Itanagar, Arunachal Pradesh.



He was promoted to Work Sarkar Gr. I on 13.3.1976 and was transferred to NEID Division Shillong and posted at Imphal and then to Tipaimukh, Silchar and Jang in Arunachal Pradesh, where he is continuing on the strength of the interim order passed by this Tribunal on 22.04.2002. He was again transferred to Jharkhand on 4.10.2006 but the order was cancelled on 9.12.2006 and he was posted at Yusumgram village on 29.1.2007 in Arunachal Pradesh. The applicant has been filing periodically cases against his harassment/transfer before this Tribunal. Initially he filed O.A.123/2002 on his transfer from Alipurduar to Jang in Arunachal Pradesh which was disposed of by order dated 28.03.2002 by giving direction to the applicant to make a representation or appeal before the authority narrating his grievances and the respondents were also directed to consider his grievances and pass necessary orders. Again in O.A.No.281/2002 the applicant challenged his transfer to Nyukcharong Investigation Sub Division I, CWC, Jang, Arunachal Pradesh from Alipurduar. Since the matters relating to transfer normally are not subjected to judicial scrutiny his application was dismissed on 25.04.2003 with the observation that dismissal of the application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place and the respondents are also duty bound to consider the representation justly and fairly.

2. In the instant application the cause of action was the transfer of the applicant from Nyukcharong Investigation Sub Division,



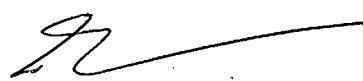
CWC, Jang to Yusumgram GDS under same sub division on 29.1.2007.

Earlier vide order dated 9.12.2006 his transfer dated 14.10.2006 to Balpahari Investigation Sub Division, CWC, Maithan (Jharkhand) from Jang was cancelled giving opportunity to applicant to complain that he has been singled out for this harassment. He has sought the following reliefs :-

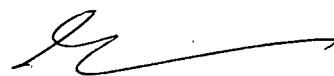
"Order dated 14.10.2006 be given effect to and the orders dated 9.12.2006 regarding cancellation of transfer to Maithon (Jharkhand) and 29.1.2007 transfer to Yusumgram from Jang (AP) be set aside and quashed".

The matter was considered by the Tribunal and by order dated 14.2.2007 the operation of the order 29.1.2006 was stayed with a direction to allow the applicant to continue to work at Nyukcharong Chu Investigation Sub Division, Jang till the next date, which is continuing till now.

3. In their written statement the Respondents have stated that work charged staff were required at the newly opened Balpahari Investigation Sub Division at Maithon, Dhanbad, Jharkhand. Therefore, Superintending Engineer, Shillong had invited applications from work charged staff posted at various places under the Divisions at Silchar, Aizawl and Itanagar. The applicant in response to the above circular did not give any willingness for getting himself transferred to BISD, Maithon. Later on after review of the works position, the transfer order of the applicant was cancelled on 9.12.2006. The applicant was



transferred to Yusumgram village, GDS site. It has been stated that two Junior Engineers were posted at Jang. One is looking after the works of Junior Engineer, (Headquarters) and the other is looking after the drilling works. The applicant has withheld the information that in pursuance of the letter dated 29.1.2007 he had already been relieved of his duties with effect from 01.02.2007 and it has also been stated that the applicant has never approached any authority of Central Water Commission airing his grievances for which this OA has been filed. As such he has not exhausted the departmental remedies available to him. It was also stated that applicant does not have his family at Jang. As regards his request for transfer on ground of illness of his family members and self to Patna i.e. Bihar the same was forwarded to the authorities of CWC in Delhi but has not been acceded to. The circular issued for inviting applications for filling up posts in Maithon the applicant did not give any willingness for getting himself transferred to BISD, Maithon. Later on after review of the works position and the staff requirement his transfer to Maithon (Jharkhand) had to be cancelled on 09.12.2006. Respondent No.4 i.e. Executive Engineer, NEID-III, CWC, Itanagar, Arunachal Pradesh is the competent authority to transfer and posting the work charged staff within his jurisdiction. As regards Applicant's contention that he has been reduced in the rank of a Khalasi, it has been stated that applicant will be 'site-in-charge' of Yusum village site once. Shri A.N.Pandey, is relieved who is a work charged Khalasi. The applicant has not exhausted the remedies available to CWC employees for redressal of



their grievances in the department. Hence the application should be dismissed.

4. Mr B.Malakar, learned counsel appearing for the applicant stated that applicant has been harassed by the department for almost 20 years and that's why he has been filing cases before the Tribunal and even in High Court. He argued for issue of direction to Respondents that if the applicant file a representation before the respondents, that will be considered sympathetically. Though no such request has been made in the O.A.

5. Miss U. Das, learned Addl.C.G.S.C appearing for the respondents submitted that transfer of the Govt. employee is a matter of routine and exigencies of service and as they are required to be posted at different places. As regards the application of the applicant for transfer to Maithon is concerned copy of the same has been enclosed with the rejoinder of the applicant. But there is no proof of the fact that this application has been duly submitted/or received by the competent authority.

6. In the light of the foregoing rival contentions it is admitted that the applicant has been posted in the North East for a long time and has been keen for transfer outside the North East for which he might have applied for also though he has not been able to prove that he had submitted an application for transfer to Maithan which could prove the mala fide of the authorities as regards cancellation of his single transfer on the basis that he had not applied for the same. If that was so why his name was included in the list of those transferred to



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Maithan as the orders issued were based on applications called for the same. Apparently some mischief was played by some one to deprive him of an opportunity to get transfer out of North East Region. The statement of the Respondents (as far as the applicant having not applied for transfer to Jharkhand, therefore, he was singled out for cancellation of the transfer) does not appear to be correct. If the applicant had not applied for the transfer how his name figured in the transfer list initially, as the same was compiled on the basis of applications filed by various persons in response to the circular dated 09.08.2006 issued by the Superintending Engineer, Shillong. The Respondents should have looked into the matter before ordering cancellation of applicant's transfer to Maithan. The allegation of the applicant regarding reduction in rank to that of Khalasi is not correct as he has not been redesignated as Khalasi and has retained his original designation. Moreover, regarding transfer the Apex Court has held in State of U.P. and another vs. Siya Ram and another, reported in (2004) 7 SCC 405 that "transfer is not only an incident of service, but a condition of service as well and is necessary in public interest and efficiency in public administration. No Govt. servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice." It has also been held that "transfer unless shown to be mala fide or in violation of statutory provisions are not open to interference by court."

7. In view of the above citations and the facts of this case there is no scope for interference in this matter and application being

un可持续的 is hereby dismissed. However, by way of observation, the applicant can apply for redressal of his grievances with the departmental authorities who are not precluded from considering the request of the applicant sympathetically, keeping in view the fact that his earlier effort to get transfer out of North East Region to Maithan was apparently mischievously scuttled by the Respondents.

There will be no order as to costs.

Accordingly the M.P.27/07 also stands disposed of.

  
(KHUSHIRAM)  
ADMINISTRATIVE MEMBER

/pg/

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH : GUWAHATI  
गुवाहाटी न्यायपीठ  
Guwahati Bench

CA 39/07

An Application U/S 19 of the CAT Act, 1985.

REGISTRAR.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI.

O.A. No. 39 /2007

Bhagawan Lal Prasad Gupta.

... Applicant.

- Vs -

Union of India & Ors.

... Respondents.

(Central Water Commission)

I N D E X

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Filed by -

*Rs. 100  
09/02/07.*  
AD V O C A T E

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH : GUWAHATI.

O.A. No. 39 /2007.

Bhagawan Lal Prasad Gupta.

... Applicant.  
- Vs -

Union of India & Ors.

(Central Water Commission)

... Respondents.

#### S Y N O P S I S

The applicant while working as Work Sarkar tenure in Arunachal Pradesh was given inter-circle transfer on being approved by the Chief Engineer. This transfer order was cancelled by the Respondent No.2 in case of the applicant alone. After cancellation, the applicant was again posted in far flung area of Arunachal Pradesh i.e. in Yusum Gram village enabling one Sri A.N.Pandey a W/S Khalasi to join at Balpahari Sub-Division, Jharkhand.

The applicant has challenged the action of the Respondent No.4 who without the knowledge of the Respondent No.3 has cancelled the transfer Order to Jharkhand and reposted the applicant in more difficult area equating his service to that of a Work charge Khalasi.

Filed by -

*G.B. Das*  
(G.B. Das)  
Advocate.

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( 2 )

L I S T   O F   D A T E S

23-7-75 : Appointed Work Sarkar-II in Sikkim Dividion.

13-3-76 : Promoted to Work Sarkar - I.

25-7-81 : Transferred to N E I D Division, Shillong and posted at Imphal.

3-9-81 : Transferred to Tipaimukh Sub-Division.

24-3-82 : Transferred to Silchar.

28-3-02 : Transferred to Jang in Arunachal Pradesh.

22-4-02 : C A T passed Order. *7 year*

25-4-03 : C A T passed Order.

4-10-06 : Inter-circle transfer to Jharkhand.

9-12-06 : Transfer Order cancelled.

29-1-07 : Posted at Yusumgram village.

Filed by -

*B Das*  
09/02/07  
A D V O C A T E.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Filed by:- The Applicant

Through:-

Gautam Bikash Das,  
Advocate  
09/02/09

O.A. No. 39 /2007

Shri Bhagwan Lal Prasad Gupta

... Applicant

- Versus -

The Union of India and Ors.

.... Respondents.

1.(I) Particulars of : Shri Bhagwan Lal Prasad Gupta  
the applicant son of Sri Khobri Sah,  
Work Sarkar Grade-I,  
NEIC Div.III, CWC, Jang, Chimpur,  
Itanagar (A.P.).

(II) Address for : Office of the Assistant Executive  
service of notice Engineer, NISD, CWC, Jang.

2.(I) Particulars of the : 1. The Chairman,  
respondents Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi-66.  
2. The Secretary, Ministry of  
Water Resources, Shram Shakti  
Bhawan, Rafi Marg, New Delhi-1.  
3. The Chief Engineer,  
Brahmaputra & Barak Basin  
Organisation, CWC,  
Shillong-14, Jamir Mansion.

...2

B. L. Gupta

23

4. The Executive Engineer,  
NEID-III, CWC, Itanagar,  
Arunachal Pradesh.

(II) Office of the : As above.  
respondents

(III) Address for : As above.  
service of  
notices

3. Particulars of the : (i) Transfer Order dtd. 14.10.06.  
order for which (ii) Order dtd. 9.12.06.  
the application (iii) Order dated 29.1.07.  
is made

3.(a) Interim order : Yes.

4. Jurisdiction of : The applicant declares that the  
the Tribunal subject matter of the application  
is within the jurisdiction of this  
Tribunal.

5. Limitation : The applicant further declares that  
the application is within the  
limitation prescribed under Section  
21 of the CAT Act, 1985.

6. FACTS OF THE CASE :

(i) That the applicant was appointed as Work Sarkar  
Grade-II under the Central Water Commission and was  
posted at Gangtok (Sikkim) in the pay scale of Rs.  
110-3-131-180 plus other allowances as admissible under

the Rules. The appointment was issued vide letter No. LAP/PC/E-4/3798-3801 dtd. 23-7-75 by the Executive Engineer of Lower Lagyap Construction Division No.1.

(ii) That the applicant joined in the post on 24-7-75 under the said Division and he served with the Commission with best ability and sincerity. Due to the professional competence and satisfactory service record, the petitioner was promoted as Work Sarkar Grade-I from 13-3-75, the promotion Order issued on 11-3-75 vide letter No. LHPC/ADM/5/74/1422-23. The applicant worked there upto 25-7-81. The authorities on being satisfied with the work of the applicant, issued him a Certificate of ability and competence.

(iii) That thereafter the applicant was transferred from Sikkim to Tipaimukh Investigation Circle of CWC Shillong vide letter No. LLP/DCM/E-29/5689-96, dated 25-7-81. On receipt of the said transfer Order, the applicant submitted an application on 27-7-81 before the Executive Engineer, Sikkim Division wherein he stated that since he was living with his family at Sikkim, he may be granted 10 days' time for making reservation etc. but that was not considered. However, the applicant reported for his duties before the Superintending Engineer, Tipaimukh Investigation Circle, No.1, Shillong on 17-8-81 who in turn directed the applicant to report to the Executive Engineer of the Division at Imphal. This order was issued verbally. There being no order in writing. However, the applicant joined at Imphal on 20-8-81.

(iv) That on 3-9-81, the Executive Engineer CWC Division, Imphal again transferred the applicant to Tipaimukh Investigation Sub-Division No.2 which is about 215 Kilometers away from Imphal. The applicant joined there on 7-9-81 and worked there up to 8-11-81 wherefrom, he was again transferred to Imphal on a verbal Order on 16-11-81 and accordingly he joined at Imphal on 19-11-81 on the request of the Executive Engineer. The verbal Order was written on 16-11-81. The applicant had worked there till 30-4-82.

(v) That the applicant begs to state that he was again transferred to Silchar on 24-3-82. On being so transferred, the applicant submitted a representation on 29-3-82 before the Superintending Engineer, Silchar through the Executive Engineer, Imphal where he had stated that he might be retained at Imphal as he was staying there with his family and frequent transfer has caused immense hardship to him as he had two School going children which was not considered and was released from Imphal on 30-3-82 with a direction to report to the Assistant Engineer, Tipaimukh Investigation Sub-Division under Silchar Division. And accordingly, the applicant joined at Silchar on 11-3-82.

(vi) That the applicant begs to state that while he was working at Silchar, the Assistant Engineer, Tipaimukh Sub-Division directed the applicant by a wireless message issued on 14-5-82 directing the applicant to join at Tuivalchuwa site, the applicant accordingly

went there and found that the new site at Tuivalchuwa was yet to be opened. The applicant had travelled a distance of 150 Kilometers through jungle and came back to Silchar again and reported on 29-6-82. On 29-6-82, the applicant was again directed to move at Tuivalchuwa site at Mizoram. The applicant who was residing at Silchar with his family and School going children faced severe hardship as he could not make any arrangement for his family and he accordingly informed the Executive Engineer about the matter. There was, however, no consideration ~~made~~ to his prayer made before the Executive Engineer and he was informed that the Tuivalchuwa site was already closed and therefore, he was again directed to report for duty at Khakan Gause and Discharge site on 26-2-83. The applicant went to Khakan and there too, he found that the site was yet to be opened at Khakan.

(vii) That the applicant begs to state that it is the convention to all Government departments that frequent transfer should not take place and the officer/staff should remain at the place of posting at least for 3 (three) years unless officer/staff is promoted or posted elsewhere. But the applicant has been transferred to a number of time which is clear violation of the prevailing convention. Regarding transfer to technical and non-technical staff and work charged staff, CWC department vide order No. 17(50)/81-P-1955 dated 10-11-55, it was desired that the individual cannot be posted to far from of places away from the

27

home station and the transfer should be ordered during the month of April and June after the examination of children so that no difficulty is encountered by the official/staff in enrollment of their children at the new places of their posting. On the basis of the above notification, the case of the applicant was not considered and he was subjected to transfer at any time according to the will of the officer. The Chairman, CWC department vide its letter dated 22-2-83 informed the applicant that the matter for consideration of his case for transfer would be considered soon, but till date nothing has happened.

(viii) That the applicant begs to state that while he was working in Manas Santosh Teesta Link Canal Sub-Division at Alipurduar he was transferred vide order dated 28-3-2002 to Jang in Arunachal Pradesh, since Jang was an interior hilly area at high altitude and since the applicant was medically unfit he made a plea before the authority for modification of his transfer to some other place. The authority even after a direction by this Tribunal in O.A. 123/2002 on 22-4-02 did not consider the case.

(ix) That when his case was not considered, the applicant again agitated before the Tribunal in O.A. 281/2002 and the Tribunal vide order dated 25-4-03 although dismissed the application issued a direction to make a representation leaving the same for consideration by the authority. On this basis, however, the applicant, who was posted at the China Bridge site a site of hilly terrain was brought

back to Jang and was given official works.

Copies of order in O.A. 123/02 and O.A. 281/02 are annexed hereto and marked as Annexure-A and A<sub>1</sub>.

(x) That while the applicant was working there at Jang, he made an appeal before authority on 15-1-2003 which was forwarded by the Executive Engineer vide his letter dated 4-7-03 to the Respondent No.3 for inter circle transfer of the applicant.

A copy of the forwarding letter is annexed hereto and marked Annexure - B.

(xi) That the applicant begs to state that the authority vide order dated 14-10-2006 issued an inter circle transfer order of 15 staff <sup>who</sup> were transferred to newly started Balpahari Investigation Sub-Division from Kundil Investigation Sub-Division with the approval of the Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong.

A copy of the transfer order is annexed hereto and marked Annexure - C.

(xii) That on receipt of the transfer order, the applicant was ready and willing to go Jharkhand but there was some delay in his release. The applicant applied for leave and TTA.

(Xiii) That the applicant was ~~start~~ <sup>surprised</sup> and surprise when he was given a copy of order dated 9.12.06 whereby the transfer of the applicant alone was cancelled.

A copy of the cancellation order is annexed hereto and marked Annexure-D.

(xiv) That thereafter, the applicant was posted at Yusumgram GSD site which was under Nyuksarang Investigation Sub-Division, a place more difficult than China Bridge.

A copy of the posting order is annexed hereto and marked Annexure - E.

(xv) That the applicant begs to state that the order dated 14-10-06 was issued as per Order of the Respondent No.3 whereas the cancellation Order was issued by the Respondent No.4. When the Respondent No.4 is without authority to effect an inter-circle transfer order he at the same time is without jurisdiction to cancell/modify the order issued by the competent authority. The Order dated 9-12-06 and 29-1-07 are punitive in nature so far the applicant is concerned. The orders are passed mala-fide and <sup>not</sup> in public interest.

(xvi) That the order dated 29-1-07 is not in exigencies of service neither the same is in public interest. The guidelines issued by the authority do not envisage posting of WS-1 in such place.

As per Guidelines -

G & D Site :

Provision for posting a WS-1 is there where there is no JE. there is, at the present site, a JE is already working there.

Construction Material Survey ( Sampling & handling) :

WS - 1 - 1. overall supervision and permeability test.

Preparation of Maps & records :

WS - 1 - 1. To assist in date completion, preparation of Drawings etc. for project report.

From the above, it is quite clear that the applicant cannot be posted at the G & D site in violation of the guidelines.

A copy of the guideline is annexed hereto as marked Annexure - F

(xvii) That the malafide intention of the Respondent No.4 is clear when in Order dated 29-1-07 endorsement has been made to the Junior Engineer, Nyuksarang Investigation Sub-Division directing him that soon after joining of the applicant at Yusum Gram one work-charge Khalasi viz. Sri A.N. Pandey be released enabling him to join Balpahari Investigation Sub-Division, Maithan. This means that an WS-1 has been equated to a Khalasi and an Order issued by the Chief Engineer has been modified/varied by the Executive Engineer without the former's knowledge. Even, no endorsement is there in the orders referred.

7. RELIEF SOUGHT FOR :

(i) The applicant prays that the order dated 14-10-06 <sup>be</sup> given effect to and the orders dated 9.12.06 and 29-1-07 be set aside and quashed.

Pending disposal of the application the order dated 9.12.06 and 29.1.07 may be stayed.

EXHAUSTED:

8. REMEDY EXHAUSTED:

The applicant declares that he has expressed his grievance before Respondent No.4 but no effect.

9. LEGAL GROUND :

The case of the applicant is covered by the rules and guidelines issued by his department with regard to his transfer inter-circle. There is no reason to exclude the applicant from the purview of the order. The Respondent No.4 is without jurisdiction to cancell/modify and re-issue another transfer order in violation of the rules and guidelines.

10. NO. of I.P.O -

*B. L. B. Gupta*  
... VERIFICATION ... P/11

VERIFICATION

I, Shri Bhagawan Lal Prasad Gupta, the applicant of the above application do hereby verify that the statements made in Paragraphs - 1, 2, 3, 4, 5, 6 (i, ii, iii, iv, v, vi, vii, viii, ix, xii, xv, xvi, xvii) are true to my knowledge and those made in paragraphs - 6 (X, xi, xiii, xiv) being the matters of records are true to my information which I believe to be true and the rest are my humble submission before this <sup>Tribunal</sup> Hon'ble Court.

Guwahati.

Date : 9.2.07

*Bhagawan Lal Lal Gupta*

S I G N A T U R E.

## ANNEXURE - A

FORM NO. 4  
(See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Original No. 123 / 2-152  
Misc. Petition No.        /  
Contempt Petition No.        /  
Review Application No.        /

Applicant(s) B. L. P. Lymphoma

Respondent(s) U.O.P. 90m2

Advocate for Applicant(s) P. Malalcau, Esq.

Advocate for Respondent(s) Cagle

Notes of the Registry | Date | ORDER OF THE TRIBUNAL

22.4.02 By this application the applicant assailed the office order No. NEID-III/ Admn-5/1452-60 dated 28.3.2002 transferring the applicant from MSTLC Inv. Sub Divn-I, CWC, Alipurdwar to Jang in Arunachal Pradesh. The applicant contended that the impugned order is contrary to the policy guidelines of the transfer. It was also contended that the order of transfer <sup>has</sup> caused <sup>disarray</sup> ~~disarray~~ in the family life by depriving him from getting the necessary medical benefits. <sup>for wife</sup>

Heard Mr. B. Malakar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents at length.

Upon hearing learned counsel for the parties, I am of the view that ends of justice will be met if a direction is given to the applicant to make a representation or appeal before the authority narrating his grievances within two weeks from today. If such representation is made by the applicant within the aforesaid period the respondents shall fairly and sympathetically consider his grievances and pass necessary order. The learned counsel for the respondents stated that the applicant has already been released. But this release, however, shall not preclude the respondents to consider the case of the applicant as per law.

With the observation made above the application is disposed of. No order as to costs.

Barcode No

SD/ VICE CHAIRMAN

Copy of the Petition and the  
B. Malakar, Advocate, Gurukul &  
B. C. Palit, Addl. ISSC CAT / GNY

Certified to be  
true (Signature)  
Advocate

from to Name 23/4/02  
Section officer (S)

28/4/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.281 of 2002

Date of decision: This the 25th day of April 2003

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

Shri Bhagwan Lal Prasad Gupta  
Work Sarkar Grade I,  
MSTLC Sub-Division I/CWC,  
Alipurduar.

.....Applicant

By Advocates Mr B. Malakar and Mr R. Das.

- versus -

1. The Union of India, represented by the  
Superintending Engineer,  
CWC/NEID Circle,  
Shillong.

2. The Executive Engineer,  
NEID-II/CWC,  
Itanagar.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

By order dated 28.3.2002 the applicant, a Workcharged Staff belonging to the North Eastern Investigation Division NO.III, Central Water Commission was transferred to Nyukcharong Investigation Sub-Division I, Central Water Commission, Jang, Arunachal Pradesh from MSTLC Investigation Sub-Division I, Central Water Commission, Alipurduar. The applicant assailed the legitimacy of the order before this Bench. By Judgment and Order dated 22.4.2002 in O.A.No.123 of 2002, the application was disposed of directing the applicant to make a representation/appeal before the authority within

: 2 :

the time specified with the further direction to the authority to consider the same sympathetically. The applicant accordingly submitted his representation dated 8.5.2002 for modification of the transfer order. The authority on receipt of the same intimated that the representation of the applicant was not received by the authority within the time stipulated by the Tribunal. It was also mentioned that due to administrative exigencies and convenience his request could not be acceded to. Hence this application questioning the legitimacy of the action of the respondents.

2. The respondents contested the case and submitted their written statement denying and disputing the claim of the applicant.

3. I have heard Mr B. Malakar, learned counsel for the applicant and also Mr B.C. Pathak, learned Addl. C.G.O.C. appearing on behalf of the respondents. Mr Malakar contended that the respondents while passing the impugned order missed the contents of the order passed by the Tribunal and the respondent authority put more emphasis on the form. From the tenor of the order it seemed that the Executive Engineer was seemingly concerned with the stipulation given by the Tribunal, but, at the same time the order also showed that the authority also considered the applicant's prayer on merit and therefore the respondent authority refused to accede to the request for modification of the transfer order. Therefore, the order cannot be flawed on that account. The learned counsel for the applicant also mentioned the cases of some of the Worcharged employees whose cases were.....

: 3 :

were favourably disposed of and posted them accordingly on receipt of representations from the Workcharged Khalasis. Mr B.C. Pathak, learned Addl. C.G.S.C., stated that on some good ground, no doubt such actions were taken at the interference of the higher authorities. Mr Pathak submitted that no illegality, as such was discernible in such move.

4. Admittedly, transfer and posting is within the domain of the authority. The authority is within its jurisdiction to transfer and post its employee, keeping in mind the administrative convenience and exigencies of service. Needless to state that the employer is also competent to allay the grievance of the employee keeping in mind public interest and the business of administration.

5. On consideration of the matter as a whole, no illegality, as such is discernible for interference by the Tribunal.

6. The application is accordingly dismissed. The dismissal of the application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place. If such representations are presented to the appropriate authority by the applicant, the concerned authority in that event shall be duty bound to consider the representation justly and fairly and appreciatively respond to such appeal with comiseration.

No order as to costs.

TRUE COPY

क्रियता

22/5/65

Section Officer (I)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

Sd/VICE CHAIRMAN

Certified to be True Copy  
Gopal  
Advocate

4225



भारत सरकार  
**GOVERNMENT OF INDIA**  
केन्द्रीय जल आयोग  
**CENTRAL WATER COMMISSION**  
राज्य पूर्ण अन्वेषण गणलाल-III, इटानगर  
N E INVESTIGATION DIVISION-III, ITANAGAR



क्र.एन.इ.आई.डी.-III/ए.डि.एम-125/2002/ 2042-44

दिनांक ५.७.२०३

प्रति,  
अधीक्षण अभियन्ता,  
उत्तर पूर्वी अन्वेषण वृत्त,  
केन्द्रीय जल आयोग,  
जमीर मैन्शन, नांगशिलियांग,  
शिलांग-793014 (मेघालय)।

Sub:- Inter-Circle transfer : OA No.281/2002 filed by Shri B.L.P. Gupta, W/C Work Sarkar Gr.I V/s Union of India and others – Implementation of Order passed by Hon'ble CAT on 25/4/2003.

Sir,

In continuation of this office letter no. NEID-III/Adm-125/2002/1828-29 dated 11.6.2003 on the above cited subject and to state that in response of order passed by the Hon'ble CAT on 25/4/2003 in aforesaid C/A, Shri B.L.P. Gupta, W/C Works Sarkar Gr.I has submitted a representation dated 11.6.2003 for his posting at a suitable place convenient for his health and medical treatment. A copy of his representation dated 11.6.2003 is enclosed herewith for your ready reference and perusal please.

2. Shri B.L.P. Gupta, W/C Work Sarkar Gr.I was transferred from MSTLCISD-I, CWC, Alipurduar (WB) to Nyukcharong Inv. Sub Divn, CWC, Jang with other persons vide this office order no. NEID-III/Adm-5/1452-60 dated 28.3.2003 on public interest and joined his duty under NISD, Jang on 11.5.2002. He has filed the case in the Hon'ble CAT, Guwahati Bench under OA No.123/02 (MP No.63/02) sought relief for stay of transfer order on the ground of illness of his family members, self etc. The Hon'ble CAT, Guwahati Bench has delivered judgement in OA No.123/02 on 22.4.02 with direction to petitioner to make a representation or appeal before the authority narrating his grievances within two week from the date of judgement. Petitioner has failed to make representation within stipulated period. However, his request for modification of transfer order dt. 28.3.2002 has been considered sympathetically and because of administrative exigencies and works requirement at site under NISD, CWC, Jang his request could not be acceded to and official concerned was informed accordingly. Shri Gupta has again made a representation dated 21.5.2002 for his retention at Alipurduar (WB) or considered his request for transfer/posting him at any CWC office which is located in Bihar. In this connection this office letter no. NEID-III/Adm-125/ 2002/2993-95 dated 21.6.2002 may be referred to.

After joining duty under NISD, Jang Shri Gupta has submitted a representation for his posting in NISD, Jang on ground that he is a chronic heart patient. His representation was forwarded to Circle office vide this office letter no. NEID-III/WC/PF-138/693 dated 21.11.2002. Reply is still awaited.

Subsequently, Shri Gupta has again filed a case in the Hon'ble CAT Guwahati Bench under OA No. 281/02 and has sought relief that the transfer order dated 28.3.2002 may not be given effect and that the same may be reversed or modified and any other relief which the Tribunal may be pleased to grant. The Hon'ble CAT, Guwahati Bench has dismissed the application vide their order dated 25.4.2003.

The Hon'ble CAT, Guwahati Bench has further made the observation that the dismissal of application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place. If such representations are presented to the appropriate authority by the applicant, the concerned authority in that event shall be duly bound to consider the representation justly and fairly and appreciatively respond to such appeal with consideration.

In view of the above, it is stated that his request has been considered sympathetically for posting in other sites within the jurisdiction of this Division but at present his request for posting at some other place within the jurisdiction of this division cannot be acceded to owing to administrative exigencies and requirement of work. However, it is further stated that Shri B.E.P. Gupta has applied for his posting/transfer to Burhi Gandak Sub-Division, CWC, Muzaffarpur (Bihar) under LGB Division, CWC, Patna or any offices of CWC which is located in Bihar or under Lucknow Division vide his application dated 16.10.2002 (copy enclosed). His application alongwith others was forwarded to you vide this office letter no. NEID-III/Adm-5/Vol.XV/2002/688-91 dated 21.11.2002 and subsequently forwarded to the Director, RMCD, CWC, New Delhi vide your letter No. NEIC/2053/Casual/2002/4860-64 dated 3.12.2002.

In view of the above facts and CWC No. B-12020/2/2003-E-XII dt 15<sup>th</sup> Jan 2003 it is requested that representation of Shri Gupta may be taken up with CWC(Hqrs) for his inter-Circle transfer out of the North Eastern Inv Circle Unit.

*Received  
on 09/08/03  
by A.E.  
S.I.D  
CWC, Itanagar*

संलग्न :- यथोक्त

प्रतिलिपि :-

1. राष्ट्रीय अधिकारी, एनआईएसडी, केन्द्रीय जल आयोग, जांग के पांच रा. एनआईएसडी/सीडब्ल्युसी/जांग/ रथा-IV/387 दिनांक 11.6.03 के संदर्भ में सुचर्चाथी।

2. श्री बी.ए.पी. गुप्ता, कांगा. वर्क रारकार थ्रेड-I द्वारा राष्ट्रीय अधिकारी, एनआईएसडी, केन्द्रीय जल आयोग, जांग सुचर्चाथी।

भवदीय,  
(धीरेन्द्र कुमार तिवारी)  
अधिशासी अधिकारी

*✓*  
(धीरेन्द्र कुमार तिवारी)  
अधिशासी अधिकारी

पोरट बॉक्स-111, नगर निगम, इटानगर (अरुणाचल प्रदेश), P O Box-144, Chimpoo, Itanagar-791111 (Arunachal Pradesh)  
Gram : Centwater, Itanagar, Telefax : 0360-203510, Tele : 0360-203412, email : exencwc@sanchiarnet.in

*Certified to be true  
Gopal  
Advocate*



भारत सरकार  
GOVERNMENT OF INDIA  
केन्द्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर-पूर्वी अन्वेषण मण्डल-III  
N E INVESTIGATION DIVISION-III, ITANAGAR



ANNEXURE-C

मानविकी नं/ प्रभा नं/ ५८५३-२६

D.D. 14.10.2006

कार्यालय

In pursuance to Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong office order no. 2(4)/2006-BBB/3412-27 dated 29.08.06 vide which approval for shifting of the HQr of Kundil Investigation Sub Divn, CWC, from Chapakhowa, Distt-Tinsukia (Assam) to Maithan, Distt Dhanbad, Jharkhand and renamed as Balpahari Investigation Sub Division for under taking the works of Survey & Investigation of Balpahari Dam Project was conveyed, the following W/C staff working under North Eastern Inv Divn-III, Itanagar are hereby transferred to Balpahari Dam Project under Balpahari Investigation Sub Division, Maithan with immediate effect in public interest.

Sl. No.,	Name and Designation	Present place of posting	Further place of posting
1.	S/Shri Manik Dutta, Mech Gr.I	Kundil Inv Sub Divn, Chapakhowa (Assam)	Balpahari Dam Project under Balpahari Inv Sub Divn, Maithan (Jharkhand)
2.	R.K. Singh, W/C Khalasi	-do-	-do-
3.	H.L. Kakoti, W/C Khalasi	-do-	-do-
4.	R.K. Barman, W/C Khalasi	-do-	-do-
5.	Mahendra Sharma, W/C Khalasi	-do-	-do-
6.	D.C. Nath, W/C Khalasi	-do-	-do-
7.	S.U. Barbhuiya, W/C Khalasi	-do-	-do-
8.	B.L.P. Gupta, W/S Gr.I	Nyukcharong Inv Sub Divn, Jang (AP)	-do-
9.	A.N. Pandey, W/C Khalasi	-do-	-do-
10.	S. K. Chakraborty, W/S-III	MSTLCISD-I, Alipurduar (WB)	-do-
11.	J. Chakraborty, W/C Khalasi	-do-	-do-
12.	G.K. Dutta, W/C Khalasi	-do-	-do-
13.	R.B. Monger, W/C Khalasi	-do-	-do-
14.	N.R. Das, W/C Khalasi	NEID-III, Itanagar (AP)	-do-
15.	Dilip Das, W/C Khalasi	-do-	-do-

मम्पुर प्रसाद  
(Anupam Prasad) 14/10  
Executive Engineer

Copy for information to :-

1. The Superintending Engineer, North Eastern Inv Circle, CWC, Shillong.
2. The Superintending Engineer (Coord.), Office of the Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong.
3. The Assistant Executive Engineer (HQr), NEID-III, CWC, Itanagar.
4. The Assistant Executive Engineer, NI Sub Divn, CWC, Jang.
5. The Assistant Engineer, MSTLC ISD-I, CWC, Alipurduar.
6. The Assistant Engineer, KI Sub Divn, CWC, Chapakhowa.
7. The Jr. Engineer(HQr)/Accounts Branch/Drawing Branch, NEID-III, CWC, Itanagar.
8. Person concerned.

पोस्ट नं/ 144, चिम्पु इलाम-791111 (अरुणाचल प्रदेश) P O Box-144, Chimpoo, Itanagar-791111 (Arunachal Pradesh)  
Gram : Centwater, Itanagar, Tel/Fax : 0360-2203510, Tel : 0360-2203412, email : exencwec@sancharnet.in

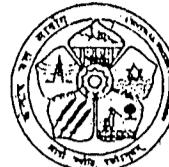
Certified to be true  
Gopal  
Advocate

14/10/06



गारत रारकार  
**GOVERNMENT OF INDIA**  
 केन्द्रीय जल आयोग  
**CENTRAL WATER COMMISSION**  
 उत्तर पूर्वी अन्वेषण मण्डल-III, इटानगर  
 N E INVESTIGATION DIVISION-III, ITANAGAR

ANNEXURE-D



क्र.पू.अ.ग.-III/प्रशा०-5/ ८८७९-८८

दिनांक १२/१२/२००६

### कार्यालय आदेश

इस कार्यालय के कार्यालय आदेश संख्या उप्र.अ.ग. III/प्रशा० 5/स्पष्ट अन्वेषण उप-मण्डल XVIII/4003 26 दिनांक 14/10/2006 द्वारा किया गया श्री वी.एल.पी.गुप्ता, वर्क रारकार प्रेस्ट-1 का रथानान्तरण न्यूकचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग, अरुणाचल प्रदेश से बालपहाड़ी अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, मार्गिथान एवं द्वारा रद्द किया जाता है।

*Cancellation order*

मुक्ति दिनांक १२/१२/२००६  
 (अनुप्र प्ररादि) १२/१२/२००६  
 अधिकारी अधिकारी

#### प्रतिलिपि :

- अधीक्षण अधिकारी, उत्तर पूर्व अन्वेषण का, केन्द्रीय जल आयोग, शिलांग को सादर सूचनार्थ।
- अधीक्षण अधिकारी, उत्तर पूर्व अन्वेषण का, वर्क रारकार प्रेस्ट-1, केन्द्रीय जल आयोग, शिलांग (गोदालय) को सादर सूचनार्थ।
- सहायक अधिकारी अधिकारी, न्यूकचारांगचु अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग अरुणाचल प्रदेश।
- सहायक अधिकारी अधिकारी, बालपहाड़ी अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, मार्गिथान शारखंड।
- सहायक अधिकारी, एम.एस.टि.एल.सि. नं.0.1, केन्द्रीय जल आयोग, अलिपुरद्वार।
- कनिष्ठ अधिकारी, (मुख्य)उत्तर पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, इटानगर।
- लेखा शास्त्री, उत्तर पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, इटानगर।
- वीजाक लिपिक, उत्तर पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, इटानगर।
- श्री वी.एल.पी.गुप्ता, वर्क रारकार प्रेस्ट-1, न्यूकचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग अरुणाचल प्रदेश।
- वयक्तिगत मेरिल।

*Certified to be true copy  
 S. D. S.  
 Advocate*



— 20 —  
ANNEXURE - E

भारत राजकार  
GOVERNMENT OF INDIA  
केन्द्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर-पूर्वी अन्वेषण मण्डल-III  
N.E. INVESTIGATION DIVISION-III, ITANAGAR



क्र.उप०ग्र-III/प्रशा-5/ ५७५-८१

दिनांक : २९.१.२००७

कार्यालय आदेश

निम्नलिखित कार्यालयिता कार्यालयिता कार्यालयिता का स्थानांतरण तत्काल प्रभाव से किया जाता है।

क्रमांक	कर्मचारी का नाम एवं पद	वर्तमान तैनाती रथल	स्थानांतरण उपरांत तैनाती रथल	टिप्पणी
1	2	3	4	5
1.	श्री बी. एल. पी. गुप्ता, वर्कर सरकार ग्रेड-1	न्यूकचारंग अन्वेषण उप-मण्डल, जंग	यूरूम ग्राम जी.डी.एस रथल (न्यूकचारंग अन्वेषण उप-मण्डल के अंतर्गत)	लोकहित में
2.	श्री एस.के. गजुगांधार, वर्कर्चार्ज खलारी	न्यूकचारंग अन्वेषण उप-मण्डल, जंग	— वही —	लोकहित में
3.	श्री डिवेश्वर वरुआ, श्रीएलटीएस	बल पहाड़ी अन्वेषण उप-मण्डल, मैथन	— वही —	निजीहित में
4.	श्री के. के. कालिता, श्रीएलटीएस	एगएसटीएलरी अन्वेषण उप-मण्डल-1, अलीपुरद्वार	बल पहाड़ी अन्वेषण उप-मण्डल, मैथन	लोकहित में

(अनुपम प्रसाद)  
अधिशासी अभियन्ता

प्रतिलिपि :-

1. अधीक्षण अभियन्ता, उत्तर-पूर्वी अन्वेषण परिमण्डल, केन्द्रीय जल आयोग, रेक्षेका वीले, बैरीक पाइंट के पास, टेम्पल रोड, लोआर लायूगीर, शिलांग-793 001 (मेघालय) सूचनार्थ।
2. सहायक अधिशासी अभियन्ता, न्यूकचारंग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग (अरुणाचल प्रदेश) उनके पत्र संख्या : NISD/CWC/Jang/PF-12/06/567 दिनांक 24.11.06 के संदर्भ में सूचनार्थ एवं आवश्यक कार्रवाई हेतु। उन्हें निर्देश दिया जाता है कि श्री बी.एल.पी. गुप्ता, वर्कर सरकार ग्रेड-1 को यूरूम ग्राम रथल पर कार्यग्रहण करने के पश्चात ही श्री ए.एन.पांडे, वर्कर्चार्ज खलारी को बल पहाड़ी अन्वेषण उपमण्डल, मैथन में कार्यप्रहण हेतु विरागित करें।
3. सहायक अधिशासी अभियन्ता, बलपहाड़ी अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, मैथन (डाङखण्ड) उनके पत्र संख्या : BISD/CB-2/1/2006/69 दिनांक 04.01.07 के संदर्भ में सूचनार्थ एवं आवश्यक कार्रवाई हेतु। श्री डिवेश्वर वरुआ, श्रीएलटीएस को श्री ए.एन.पांडे, वर्कर्चार्ज खलारी कार्यप्रहण करने के पश्चात ही विरागित करें।
4. सहायक अभियन्ता, एम एस टी एल सी उप-मण्डल-1, केन्द्रीय जल आयोग, अलीपुरद्वार (प. बंगाल) सूचनार्थ एवं आवश्यक कार्रवाई हेतु।
5. लेखा शाखा, उत्तर-पूर्वी अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, ईटानगर।
6. राजीवीत व्याख्या।
7. गणगितगति गिरिल।

Certified to be true  
Gopal  
Advocate

(Translated Copy)

Annexure-D

NEID-III/ADM-5/4879-88

Dated 09-12-2006

OFFICE ORDER

In terms of this office order No. NEID-III/ADM-5/Vol.XVIII/4003-26 dated 14-10-2006 Sri BLP Gupta who was transferred to Balpahari Investigation Sub-Division/CWC, Maithan from NISD, CWC, Jang, Arunachal Pradesh is hereby cancelled.

Sd/- Anupam Prasad  
(Executive Engineer)

**Copy to :**

- 1) The Superintending Engineer, NEIC/CWC/Shillong
- 2) The S.E. (Co-ordination) Brahmaputra & Barak Basin Organisation, CWC, Shillong.
- 3) Asstt. Executive Engineer, NISD/CWC, Jang, Arunachal Pradesh
- 4) Asstt. Executive Engineer, Balpahari Investigation Sub-division, CWC, Maithan, Jharkhand.
- 5) Asstt. Engineer, MSTLCISD/CWC/Alipurduar, West Bengal.
- 6) The Jr. Engineer, NEID-III/HQ, Itanagar.
- 7)
- 8)

*Temporary  
order*

*Cancelled*

(Translated Copy)

Annexure-E

Govt. of India  
Central Water Commission  
NEID-III, Itanagar

NEID-III/ADM-5/575-81

Dated 29-01-2007

OFFICE ORDER

The following staffs are transferred immediately in public interest.

1. Sri B.L.P. Gupta      NISD/CWC Jang      Yusum ~~Gram~~ In public interest  
G&D site under  
NISD CWC/Jang  

- 2.
- 3.
- 4.

Sd/- Anupam Prasad  
Executive Engineer



TRANSLATED COPY

Annexure - E

GOVT. OF INDIA  
CENTRAL WATER COMMISSION  
N E INVESTIGATION DIVISION-III, ITANAGARA

NEID-III/ADM-5/575-81

Dated : 29.01.2007

OFFICE ORDER

The following staff are hereby transferred with immediate effect from their duty in public interest .

Sl. No.	Name of the persons & Designation	From	To	Remarks
01.	Sri B.L.P. Gupta Work Sarker Grade - I	Nyukcharong Chu, Investigation Sub- Division Jang .	Yusum Village, GDS site under Nyukcharong Chu, Investigation Sub- Division Jang .	In Public Interest
02.	Sri S.K. Mazumder Work charged, Khalasi	- Do -	- Do -	In Public Interest
03.	Sri Dimbeswar Baruah CL/TS	Balpahari Investigation Sub-Division, Maithan	- Do -	Own interest
04.	Sri K.K. Kalita CL/TS	MSTLC Investigation Sub-Div.- 1, Alipurduar .	Balpahari Investigation Sub- Division, Maithan	In Public Interest

*for k m awa*  
Sd/ Anupam Prasad  
Executive Engineer

*Copy to :-*

1. The Superintendent Engineer, North Eastern Investigation Circle, Central Water Commission, Rebbeka Valley, Near Barrik Point, Temple Road, Lower Lachumeire, Shillong – 793001 (Meghalaya) for kind information .
2. The Asstt. Executive Engineer Nyukcharong Chu, investigation Sub-Divn. Central Water Commission, Jaang, Arunachal Pradesh with reference to his letter No. NISD/CWC/Jang/PF-12/06/567 dated 24.11.2006 for information and necessary action . He is directed that after joining of Sri B.L.P. Gupta, work Sarker Grade-I at Yusum Village site-in-place-of Sri A.N. Pandy, W/C Khalasi be relieved for joining at Balpahari investigation Sub-Divn., Maithan
3. Asstt. Executive Engineer Investigation Sub-Divn. Central Water Commission, Maithan (Jharkhand), with reference to his letter No. BISD/CB-2/1/2006/69 dtd. 04.01.2007 for information and necessary action , Sri Dimbeswar Baruah, CL/TS be relieved after joining of Sri A.N. Pandy W/C Khalasi .
4. Asstt. Engineer, MSTLC Sub-Divn. Central Water Commission, Alipurduar, West Bengal, for formation and necessary action .
5. Account Branch North Eastern, Investigation Divn.-III, Central Water Commission Itanagar .
6. Persons concerned .
7. Personal Files of the concerned .

*Certified to be true  
Balal*

45

TRANSLATED COPY

*Annexure - D*

**GOVT. OF INDIA  
CENTRAL WATER COMMISSION  
N E INVESTIGATION DIVISION-III, ITANAGARA**

**NEID-III/ADM-5/4879-88**

**Dated : 09.12.2006**

**OFFICE ORDER**

With reference to this office order No. NEID-III/ADM-5/Vol. XVIII/4003-26 dated 14.10.2006 Sri B.L.P. Gupta, Work Sarkar Grade-I, who was transferred from Nyukcharong Chu, Investigation Sub-Division, Central Water Commission Jang, Arunachal Pradesh to Balpahari Investigation Sub-Division, Central Water Commission, Maithan is hereby cancelled .

Sd/ Anupam Prasad  
Executive Engineer  
09.12.06

***Copy to :-***

1. The Superintendent Engineer, North Eastern Investigation Circle, Central Water Commission, Shillong for kind information .
2. The Superintendent Engineer, (Co-ordination) Brahmaputra & Barak Basin Organisation, Central Water Commission, Shillong, Meghalaya for kind information .
3. Asstt. Executive Engineer Nyukcharong Chu, Investigation Sub-Division, Central Water Commission Jang, Arunachal Pradesh .
4. Asstt. Executive Engineer, Balpahari Investigation Sub-Division, Central Water Commission, Maithan , Jharkhand .
5. Asstt. Engineer, MSTLC-No.1 Central Water Commission, Alipurduar,
6. Jr. Engineer (H.Q.) North Eastern, investigation -Divn.-III, Central Water Commission, Itanagar.
7. Account Branch North Eastern, investigation -Divn.-III; Central Water Commission, Itanagar .
8. Bill Clark North Eastern, investigation -Divn.-III, Central Water Commission, Itanagar
9. Sri B.L.P. Gupta, Work Sarkar Gr.-I, Nyukcharong Chu, Investigation Sub-Division, Central Water Commission Jang, Arunachal Pradesh .
10. Personal concerned File .

*Certified to be true  
Sarkar*

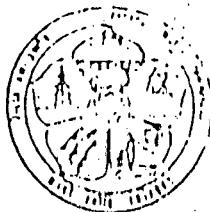
GRAM 'CENERO'



गोरक्ष परकार  
फेड्रोप जन आयोग  
ब्रह्मपुत्र नदी विभाग  
“जामिर मॉन्सियन्स” नोंगशिलांग, नोंगथिम्माल  
भ्रामपुत्र - ७८३०१४  
GOVERNMENT OF INDIA  
CENTRAL WATER COMMISSION  
BRAHMAPUTRA BARAK BASIN  
“JAMIR MANSION” NONGSHILANG, NONGTHIYMMAL  
SHILLONG - 793014

## (115) ANNEXURE - F

PHONE: (0364) 220891  
(0364) 223495  
FAX: (0364) 226865



संख्या/No. 1(17)/96-BBB/ 2435-37

दिनांक Dated 14 OCT 1996

To

The Superintending Engineer,  
NEIC, Shillong/HCC, Guwahati/MC, Silchar.

Sub : Inter-departmental committee for review of workshop-Norms  
set up by fifth Central Pay Commission.

Sir,

I am directed to send a copy of Norms/Guidelines for W/C Establishment in respect of common field activities of CWC circulated vide CWC No. 21/16/95-TC/636-51 dt. 28.07.95 on the above subject for examination and comments, if any, on the same may please be furnished to this office.

The matter may please be treated as URGENT.

Encl : As above.

Yours faithfully,

( S.K.CHINTURVEDI )  
ASSISTANT ENGINEER (C)

No. NEIC / 03 / E - 5 / 3687 - 89

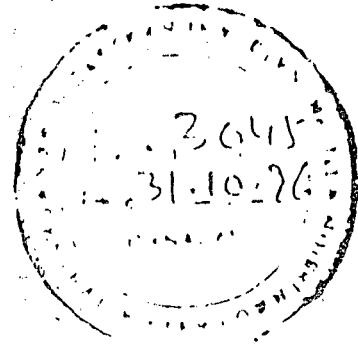
dt 16 - 10 - 96

Copy forwarded to the Ex Eng. NEIC T.I. / Sitch.  
Armed, Planning with request that the  
provision made in the letter may kindly be  
kept in view while making estimate.

Dr B.

Chit  
31/10/96

Certified to be true  
R.D.  
Advocate



16/10/96  
B.N.DAY SINGH (H)  
AE (H)  
CWC  
Shillong

22

FORMS/GUIDELINES FOR W/C ESTABLISHMENT IN RESPECT OF COMMON FIELD ACTIVITIES OF CENTRAL WATER COMMISSION.

GAUGE SITES (G)

Type of Site	Non - Monsoon	Monsoon
Easily accessible Sites	Khalasi/WS-III/ WS-II - 1 No.	Khalasi/WS-III/ WS-II - 1 No. Seasonal Khalasi - 2 No.
Remote sites	Khalasi/WS-III/ WS-II - 2 No.	Khalasi/WS-III/ WS-II - 2 No. Seasonal Khalasi - 2 No.

GAUGE & DISCHARGE SITES (G&D)

Type of Site	Non - Monsoon	Monsoon
a) G&D Site (Without boat)		
i) Easily accessible site	Khalasi/WS-III/ WS-II - 3 No.	Khalasi/WS-III/ WS-II - 3 No. Seasonal Khalasi - 2 No.
ii) Remote site	Khalasi/WS-III/ WS-II - 4 No.	Khalasi/WS-III/ (WS-II) - 4 No. Seasonal Khalasi - 2 No.
b) G&D Site (With boat/boat & cable)		
i) Easily accessible site	Boatman - 1 No. Khalasi/WS-III/ WS-II - 4 No.	Boatman - 1 No. Khalasi/WS-III/ WS-II - 4 No. Seasonal Khalasi - 2 No.
ii) Remote Site	Boatman - 1 No. Khalasi/WS-III/ WS-II - 5 No.	Boatman - 1 No. Khalasi/WS-III/ WS-II - 5 No. Seasonal Khalasi - 2 No.
c) G&D Site (With boat fitted with O.B. Engine)		
i) Easily accessible site	O.B. Engine driver - 1 No. Boatman - 1 No. Khalasi/WS-III/ WS-II - 3 No.	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/ WS-II - 3 No. Seasonal Khalasi - 2 No.
ii) Remote site	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/ WS-II - 4 No.	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/ WS-II - 4 No. Seasonal Khalasi - 2 No.

10/ (c) G&D SITE (with Motor Launch)

	M.L.	M.L. Driver	- 1 No.
1) Easily accessible site	Driver - 1 No. Sarang - 1 No. Mechanic - 1 No. Khalasi/HS-III/ HS-II - 6 No.	Sarang Mechanic Khalasi/HS-III/ HS-II - 6 No. Seasonal Khalasi - 2 No.	- 1 No. - 1 No. - 1 No. - 6 No. - 2 No.
2) Remote site	M.L. Driver - 1 No. Sarang - 1 No. Mechanic - 1 No. Khalasi/HS-III/ HS-II - 7 No.	M.L. Driver - 1 No. Sarang - 1 No. Mechanic - 1 No. Khalasi/HS-III/ HS-II - 7 No. Seasonal Khalasi - 2 No.	- 1 No. - 1 No. - 1 No. - 7 No. - 2 No.

NOTE:

(a) At such G&D sites where no Junior Engineer can be posted, provision may be kept for one no. observer (Wark Sarkar Gr.-II).

(b) The G&D sites where O.B. Engine/Motor Launch exist, one observer/W.S. Gr-I may be provided even if the site is manned by a Junior Engineer.

3. GAUGE, DISCHARGE & SILT SITE (GDS&S)

a) For sites of type as mentioned in Sl. No. 2(a) & 2(b) above. One Khalasi, in addition to what has already been suggested.

b) For sites of type as mentioned in Sl. No. 2(c) & 2 (d) above. 2 Khalasis in addition to what has already been suggested.

4. GAUGE, DISCHARGE, SILT AND WATER QUALITY SITE (GDS&WQ)

In such sites one Khalasi/HS Gr-II/Gr-III may be deployed in addition to what has already been mentioned above at (3).

5. DATA TRANSMISSION

a) Flood Forecasting Sites

Where wireless set is available but no wireless operator is posted, one additional regular and one seasonal W/C Khalasi may be deployed in addition to what has been proposed at 1, 2, 3 & 4 above as the case may be.

b) Control Rooms

Type of Control Room	Non-Monsoon Season	Monsoon Season
1) Sub-division	Khalasi/HS-III/ HS-II - 3 No. Generator Operator - 1 No.	Khalasi/HS-III/ HS-II - 3 No. Generator Operator - 1 No. Seasonal Khalasi - 4 No.

i) Division	Khalasi/WS-III/ WS-II - 4 No. Generator Operator - 1 No.	Khalasi/WS-III/ WS-II - 4 No. Generator Operator - 1 No. Seasonal Khalasi - 4 No.
iii) Circle	Khalasi/WS-III/ WS-II - 2 No. Generator Operator - 3 No.	Khalasi/WS-III/ WS-II - 2 No. Generator Operator - 1 No. Seasonal Khalasi - 2 No.

#### 6. WATCH & HARD DUTY

Watch & Hard duties at sites where no regular chowkidar is deployed:

- One Khalasi for each of ordinary site.
- 2 regular Khalasis and 1 Seasonal Khalasi for sites having Boat with O.B. Engine/Motor Launch etc.

The above Khalasis are in addition to the W/C staff on already proposed in proceeding paragraphs.

#### 7. MECHANICAL UNIT/WORKSHOP

Foreman	1 No.
Mechanic Gr.I	1 No.
Mech. Gr. II	1 No.
Auto	1 No.
Electrician	
Welder	1 No.
Carpenter	1 No.
Khalasi/WS-III/	3 No.
WS-II	

#### 8. RUNNING & MAINTENANCE OF VEHICLES

Type of vehicle	Staff requirement
i) Inspection	Driver - 1 No.
ii) vehicle	
ii) Truck	Driver - 1 No. Helper - 1 No.

#### 9. SURVEY & INVESTIGATION WORKS

##### 1) Topographical Survey Including Double levelling

a) Surveyor	- 1
a) Work Sarker Gr.II	- 1 No.
b) Work Sarker Gr.III	- 1 No.
c) Khalasi	
for instrument carriage	- 3 No.
for holding staff	- 3 No.
for Ranging	- 4 No.
for Jungle clearance	- 2 No.
for Site camp care/Passenger	- 1 No.

TOTAL KHALASI - 10 No.

Where no jungle clearance is needed, the team may have 11 Khalasis.

One such Survey team may be fixed for one Subdivision or one Project site but maneuverability may be ensured to attend to urgent or priority works.

During monsoon season this team may be used for TPS connection/double levelling/Plotting work.

II) Drilling works

a) Drill Operator Gr.I for operation & maintenance of Machine - 1 No.

b) Drill Operator Gr.II for Accessories movement at spindle - 1 No.

c) Machine Operator/Pump Operator Gr.II for Water pump Operation - 1 No.

d) Work Sarkar Gr.II for related record keeping - 1 No.

e) Khalasi/Helper

for Drill Operator Gr.I at Machine - 2 No.

for Drill Operator Gr.II at Water Swivel, at wrench for pipes. - 3 No.

for Pump Operator - 1 No.

for attending pulley & hoisting hook at tripod/for compiling pipes, accessories etc. - 2 No.

for core sampling and preservation of core boxes - 1 No.

for Watch & ward duty in shifts - 3 No.

**TOTAL KHALASIS -12 No. ■**

Machinery maintenance may be done in off-season i.e. during monsoon or when machines are free.

During shelling, when more persons are needed to prepare the track path, platform, dismantling, lifting etc., extra man-power requirement may be met by employing casual labourers.

The number of drilling teams per division may be as per requirement and availability of drilling machines.

1) <u>Drifting</u>	
a) Machine Operator Gr.II	- 1
b) Driller	- 2
c) Blaster	- 1
d) Khalasi	
Helper to Driller (Khalasi)	- 2
Other (for each type)	
Mucking	- to be kept on Muster Roll as per requirement.
Watch & Ward of	
I) Store for drifting	- 3
II) Magazine	- 3
Total Khalasi	- 8 No.
iv) <u>Construction Material Survey (Sampling &amp; Handling)</u>	
a) Work Sarkar Gr.I	- 1 Overall supervision permeability test.
b) Work Sarkar Gr.II	- 1 Labelling recording & packing.
c) Work Sarkar Gr.III	- 1 Supervision of digging of pits & auger holes.
d) Khalasi	- 4 Augering & digging of pits.

\* Additional labour requirement, if required due to urgency of work, may be met by employing casual labourers.

v) Property Survey

- a) Work Sarkar Gr.I - 1 assistance in survey work
- b) Work Sarkar Gr.II - 2 Recording and compilation of data, one at each bank.
- c) Work Sarkar Gr.III - 2 One for survey on each bank.
- d) Khalasi - 6 Three Khalasis for jungle cutting and all miscellaneous activities on each bank.
- Khalasi - 1 For camp.
- Total Khalasi - 7 No.

Number of Khalasi may be restricted to 6 due to austerity measure.

\* Additional labour requirement may be supplemented by Casual labour.

vi) Preparation of Maps and Reports ✓

- a) Work Sarkar Gr.I - 1 To assist in Data compilation, preparation of Drawings etc. for Project Report.
- b) Work Sarkar Gr.II - 2 Ink tracing of drawings.
- c) Work Sarkar Gr.III - 3 Binding & Stitching of report and colouring of Maps etc.
- d) Machine Operator Gr.II - 1 For operation of Duplicating Machine & to assist Photo Printer in printing of Maps.
- e) Khalasi - 5 : For Work Sarkar Gr.I - 2  
For Work Sarkar Gr.II - 1  
For Work Sarkar Gr.III - 1  
For Machine Operator - 1  
Gr.II

vii) Handling and Custody of Stores

- a) Work Sarkar Gr.II - 1 To assist JE.
- b) Khalasi - 1 Handling stores  
- 3 Watch & Ward
- Total Khalasi - 4 No.

STATION: 102041 020001

53

viii) Running & Maintenance of Transit Camp

a) Work Sarkar Gr.II - 1 No. As overall In-charge;   
b) Khalasi - 4 No. including 1 one Khalasi for  
watch and ward duty in case no  
Chowkidar is posted.

ix) Running & Maintenance of Office-cum-Residential Complex.

a) Work Sarkar Gr.II - 1 No. To assist in repair and  
maintenance of Offices, Rent  
Houses, Quarters etc..

b) Work Sarkar Gr.III - 1 No. To assist in maintenance of  
Stores, T&P and supervision of  
colony cleaning work.

c) Machine Operator Gr.II - 1 No. For operation & maintenance of  
Water Pump & Generator.

d) -do- Gr.III - 1 No. -do-

e) Electrician Gr.I/ Gr.II - 1 No. For repair & maintenance of  
electrical lines.

f) Carpenter - 1 No. For repairs of buildings,  
furniture etc.

g) Khalasi - 4 No. To mind WR-II, WR-III,  
Carpenter, Machine Operator.

- 3 No. For watch & ward duty in  
case no Chowkidar is not provided.

Total Khalasi - 7 No.

(c)

10.0 BREAK UP OF DIFFERENT CATEGORIES OF WORK-CHARGED STAFF

10.1 The basic unit being Khilasi which is a unskilled category of Work-charged Establishment, the other categories like Work-sarkar Gr. III, Work-sarkar Gr. II and Work-sarkar Gr. I etc. may be created out of the total strength of Khilasis on undeter-

a) Semi Skilled Category (Work Sarkar Gr. III etc.)	- 10% of the unskilled category (Khilasi etc.)
b) Skilled Category - (Work Sarkar Gr. II etc.)	20% to 25% of the Semi skilled category. (Work Sarkar Gr. III etc.)
c) Highly skilled category (Work Sarkar Gr. I etc.)	20% of the skilled category (Work Sarkar Gr. II etc.)

11.0 LEAVE RESERVE

11.1 Each member of the Work-charged Establishment is entitled to the following leave during a year:

- Sundays/Rest days	=	52
- Gazzeted Holidays	=	16
- Earned Leave	=	30
- Medical Leave	=	15
- Casual leave	=	12
<hr/>		
Total	=	125

Thus, for every 3 Nos. of Work-charged staff, one No. of Work-charged staff shall normally be required as leave reserve. However, as an economy measure, the leave reserve may be taken as 20% of the total strength.

12.0 These may be taken as general guidelines. The strength may be increased or decreased keeping in view the particular type of work/alti condition. However, the deployment could be got approved at the level of Chief Engineer. In case more than two Chief Engineers are involved, then the approval may be taken from Member (MM)/, Ex-Officio Additional Secretary to the Govt. of India.

19 APR 2007

गुवाहाटी बैठकाल  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH : GUWAHATI.

Filed by -  
Sri B.L.P. Gupta  
Advocate  
Date : 13-02-07

O.A. 39/2007

Sri Bhagwan Lal Prasad Gupta

.... Applicant

- Vs -

Union of India & Ors. (CWC)

.... Respondents.

IN THE MATTER OF :

An Additional Affidavit filed in  
relation to the statements made in  
the original application.

I, Sri Bhagwan Lal Prasad Gupta, aged about 53  
years, work-charged Work Sarkar, Grade-I working under  
the Asstt. Executive Engineer, Nyuksarangshu sub-Divn.,  
Jang do hereby declare and state as follows :-

- 1) That the applicant is the seniormost work Sarkar,  
Gr.I and he has been transferred on various occasions  
and posted at different tenure stations. During his  
earlier transfer from MSTLCISD-1 at Alipurduar, in  
2002 he preferred a similar petition praying for the  
Tribunal's intervention to modify the order of  
transfer on health ground as the place of posting  
(Jang) was at a high altitude of about 8000' above  
the <sup>Sea</sup> level, The Tribunal while rejecting the prayer

left the matter for consideration of the authority observing that even though the applicant was released, that will not preclude the authority from consideration of the case of the petitioner. The authority, however, was not amenable to consider the case.

- 2) That in the present O.A. the applicant has come before the Tribunal for implementation of the order dated 14-10-2006 whereby he was transferred to Balpahari Investigation Sub-Division, Maithan, Jharkhand. The applicant has in the past made several requests for his transfer either to Bihar or U.P. In fact, the authority had issued such inter-circle transfer order in respect of similar employees.

A copy of such transfer order is annexed herewith as Annexure - I.

- 3) That the Order dated 14.10.2006 reads -

" In pursuance to Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong Office order No. 2(4)/2006-BBB/3412-27 dated 29-8-06 vide which approval for shifting of the Headquarter of Kundil Investigation Sub-Division, CWC, from Chapakhowa, District - Tinsukia (Assam) to Maithan, District - Dhanbad, Jharkhand and renamed as Balpahari Investigation Sub-Division for undertaking the works of survey & Investigation of Balpahari Dam Project was conveyed, the following W/C Staff working under NEID-III, Itanagar are hereby transferred to

Balpahari Dam Project under Balpahari Investigation Sub-Division, Maithan with immediate effect in public interest."

- 4) That from the reading of the Order above quoted, the applicant states that his transfer was without jurisdiction as he did not belong to Kundil Investigation Sub-Division. He was working under Nyuksarangshu investigation Sub-Division. Once the transfer Order has been issued as a composite one, there cannot be any reason to bring out one employee from the purview of the said order unless the order is revised as a whole.
- 5) That the applicant further begs to state that vide Order dated 29-01-07, Sri S.K. Majumdar, WC/Khalasi was transferred to Yusum village site from Jang which has since been cancelled and he has been sent to Balpahari Sub-Division. Another one Sri Dimbeswar Barua, Casual Labour with temporary status was transferred from Balpahari Sub-Division to Yusum Village. Further, Sri K.K. Kalita, casual labour with temporary status was also transferred from MSTLC Sub-Division, Alipurduar to Balpahari Sub-Division.
- 6) That the applicant begs to draw the kind attention of the Tribunal to the following discriminatory standard adopted by the authority :
  - i) Sri M.C. Francies, WS/1 and Sri Kanak Deka WS-1 never posted outside. They have been ~~in~~ in Division or Sub-Division Office.

- ii) Sri Ganesh Chetry WS-1 and Sri V.K.Kamlasaran WS-1 all along continuing in the Division Office.
- iii) Sri T.K. Namboodri, WS-II has been kept in the Division Office at Itanagar. He was never posted in site.
- iv) Sri S.S.Tatua, WS-III he has never been in site. All along in Division or Sub-Division Office.
- v) Sri C.J.Joseph WS-III has been continuing in Division Office for last 15 years.
- vi) Sri Manik Paul, WS-II is in Jang for last 10 years. Although posted in China Bridge he has been kept in this Sub-Division.

7) That the applicant on 14-7-04 submitted an application in terms of letter No.NEID/2000/Vol-VII/2003/4390 dated 3.12.03 praying for his transfer to Jharkhand which was duly forwarded by the Asstt.Executive Engineer. This application has not been considered on the other hand similar application of similar staff with identical prayer were forwarded to the authority and some of them have been transferred.

Copies of application and forwarding orders annexed herewith as Annexure -II, III and IV, respectively.

8) That the applicant further states that 10(ten) employees who had opted for their transfer out of NE Circle

were also allowed on the approval of the Chairman, CWC.

A copy of such Order is annexed hereto  
and marked Annexure - V.

9) That present transfer Order was issued on 14-10-06 and it was cancelled on 9.12.06. The Order for reposting was issued on 29-01-07 at Itanagar and the applicant was released at Jang on 01-02-07 and Order of release was handed over at 9 P.M. in an envelope.

A copy of the release Order is annexed  
hereto and marked Annexure - VI.

10) That from the above, it is clear that the Respondent No.3 has issued the transfer order according to his wishes. There is no proximity between Order passed on 14-10-06 and the Orders passed subsequent thereto. There is total non-application of mind. Heaven will not fall if the applicant is allowed to go to Balpahari Sub - Division in terms of Order dated 14-10-06.

The statements made in para 1 to 9 are true to my knowledge and belief.

Identified by -

*Ratul Das*

Advocate

*Ratul Das*

D E P O N E N T.



No. NEIC/2009/Vol.VI/2004/1 58-59

Government of India  
Central Water Commission  
North Eastern Inv. Circle  
"Jamir Mansion" Nongshilliang,  
Shillong-793014.

To,

The Under Secretary (Estt.XII)  
Central Water Commission  
Room No.312,  
Sewa Bhawan, R.K. Puram  
New Delhi-66.

79  
16/11/04

Sub : Inter-Circle transfer of W/C staff.  
Sir,

Enclosed please find herewith the transfer application of the following Work Charged officials working under this Circle for inter-circle transfer for favour of your information and necessary action, please.

S/No.	Name & Designation	Present place of posting	Name of the office/place requested for transfer.
01.	Sh. M. C. Francis, W/S-I	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	Any site under C&SR Circle CWC, Coimbatore.
02.	Sh. Jagdish Singh, Kh.	GDS Observation Site, CWC, Murga Bridge under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Dehradun, Varanasi.
03.	Sh. N. P. Singh, Kh.	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Patna.
04.	Sh. T. N. Singh, Kh.	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Patna.
05.	Sh. M. M. Patel, Kh.	MSTLCI Sub-Divn., CWC, Alipurduar (W.B) under NEID-III, CWC, Itanagar. (A.P)	i) Mahanadi Divn. CWC, Birla, (Orissa), ii) Wain Ganga Divn. CWC, Nagpur.

Encl: As above.

EC-II

By  
14/11

Yours faithfully

  
 (C. P. Singh) 8/11/04  
 Superintending Engineer

Copy to :-

✓ The Executive Engineer, NEID-III, CWC, Itanagar with reference to his letter No. NEID-III/Adm-5/VolV/4226-29 dated 07.11.2003 & even No. 1460-61 dated 29.11.2003.

True copy  
Ratul Das  
Adm. Cate.

ANNEXURE - H

(7)

Garam: SNEC" Shillong

Phone: (0364) 2521049

: (0364) 2521724

Fax : (0364) 2521330

Government of India  
Central Water Commission,  
North Eastern Inv. Circle  
"Jamir Munison" Nongshillong  
Shillong-14 (Meghalaya)

NO:NEIC/2000/Vol.VII/2003/4390-92 dated the 3/12/2003

To

The Executive Engineer,  
North Eastern Inv. Divn.I/II/III,  
Central Water Commission,  
Shillong/Mizawl/Itanagar.

Sub: Willingness of staff.

A proposal for undertaking some investigation works at Jharkhand state is under process with the Damodar Valley Corporation authority.

The proposed work sites likely to be near Meithan and other short distance places from Meithan within the Jharkhand state.

The willingness of the interested C/WC staff (all categories) if any for working in the Jharkhand state may be obtained and sent to this office for making a panel in this regard.

Sd/- (C. P. Singh)  
Superintending Engineer

NEID-III/Adm-5/1439441 dt. 29-12-03

Copy forwarded for information and necessary action to:-

1. The Asstt.Engineer(HQ), NEID-III,CWC,Itanagar.
2. The Asstt.Engineer, NESTC/CS-1/KISD/NI SD/CWC, Alipurduar, Chaspokhwa/Jang.
3. Jr. Engineer(HQ), NEID-III,CWC,Itanagar.

Sd/- Bist.  
Assistant

NO:NI SD/CWC/Jang/E-IV/2003/

Dated:

Copy forwarded for information and necessary action to:  
Jr. Engineer, Site Incharge, GDS site, Murga Bridge,  
GDS, site, China Bridge, GDS site, Yusum Village and GDS site, Rupali.

( RAVI AVAIH )  
Assistant Engineer

To

The Superintending Engineer,  
 North Eastern Inv. Circle,  
 Central Water Commission,  
 "Jamir Mansion" Nongshilliang  
 Shillong (Meghalaya)

(8)

( Through Proper Channel )

Sub: Prayer for transfer of S. B. L. P. Gupta, Work Sarkar, Grade-I, from NISD, CWC, Jang (A.P.) to Jharkhand state or any place in the state of Bihar.

Ref: 1. NO. NEIC/2000/Vol-VII/2003/4390-92 dated 03-12-2003  
 2. NO. NEID-III/Adm-5/1439-41 dated 29-12-2003.

Sir,

With reference to the above, I am placing this prayer of willingness for transfer to Jharkhand state or any place in the state of Bihar, in the Central Water Commission office.

As I have joined in service on 24-07-1973, in the Central Water Commission. Since the joining I have been working in the corners of hilly state's with my posting in the thorny jungles where there are no road communications. No medical facilities nothing was there for human life but compelled to work in such of the place's for which my health condition is being very peculiar. Several Doctor's advised on several occasions of my illness to avoid my stay in damp & claudy climate due to measure of adverse effect of life. In this connection submitted many prayers for considering my transfer out of hilly weather damp & claudy climate instead of that I have posted in cold weather and snow falls place i.e. in Jang sub-Division (Arunachal Pradesh) As I have/ have worked and working in such of hilly state's like Sikkim, Manipur, Mizoram, Tripura, Nagaland, Assam, Meghalaya and Arunachal Pradesh Only.

Circumstances have to compelled to express my compulsions and for which submitting this prayer in proforma as enclosed herewith for your kind perusal and sympathetic consideration of transfer from out of North Eastern Region on humanitarian grounds please.

Yours faithfully,

( B. L. P. GUPTA )  
 Work Sarkar Grade-I,  
 Gauge & Discharge & Silt Observation site  
 CWC, China Bridge.  
 Under

Nyukcharong Chu Inv. Sub-Division,  
 CWC, Jang (Arunachal Pradesh)



भारत सरकार  
GOVERNMENT OF INDIA  
केन्द्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर पूर्वी अन्वेषण मण्डल-III  
N E INVESTIGATION DIVISION-III

ANNEXURE - IV



क्र. सं. उ. प. ज. म-३/सडीसम-५/ ६७५-७७

दिनांक १०.२.०४

सेवा में,

अधीक्षण अभियन्ता,  
उत्तर पूर्व अन्वेषण वृत्त,  
केन्द्रीय जल आयोग,  
गिलांग।

विषय : स्थानांतरण हेतु आवेदन पत्र।

महोदय,

कृपया अपने पत्र सं. एन. ई. आई. सी/2001/उ-7/2003/4390-92 दिनांक 3. 12. 2003 का अवलोकन करें इस मण्डल के अन्तर्गत कार्यरत कर्मचारियों का आरबण्ड में अन्वेषण कार्य हेतु स्थानांतरण/तैनाती करने के लिए आवेदन पत्र अनुलिपि में४ इसके साथ आवश्यक कार्डवाई हेतु सादर संलग्न किये जाते हैं।

क्र. सं.	नाम एवं पद	वर्तमान कार्य स्थल
	S/Shri	
1.	Govind Roy, M.V.Driver	KISD, CWC, Chapakhowa.
2.	Raghu Nandan Roy, M.V.Driver	NEID-III, CWC, Itanagar.
3.	Ratiya Urang	-do-
4.	M.C.Francis,	W/S Gr.I
5.	T.K.M.Namboory	W/A
6.	Tez Bahadur Pradhan	W/A
7.	S.K.Chakraborty,	W/S Gr.III
8.	Manik Dutta	Mech Gr.I
9.	Gurmit Singh,	Mech.Gr.II
10.	E.C.John	D/O Gr.II
11.	Sripati Dehri	Khalasi
12.	Mahendra Sharma,	Khalasi
13.	Gauri Prasad Rai	-do-
14.	A.N.Pandey	-do-
15.	Ram Pravesh	-do-
16.	Choudhury	-do-
17.	Rameshwar	-do-
18.	Govind Baski	-do-
19.	Khagen Roy	-do-
20.	Jagdish Singh	-do-
21.	N.P.Singh	-do-
22.	P.C.Prasad	-do-
23.	T.N.Singh	-do-
24.	R.K.Singh	-do-
25.	Kaku Kumar	-do-
	B.N.Roy	MSTLCISD-I, CWC, Alipurduar.

.. 2 ..



1 2

S/Shri

26.	Bas Bhagwan	W/C Khalasi	MSTLCI SD-I, CWC, Alipurduar.
27.	M.M.Patel	-do-	-do-
28.	Markush Tirkey	-do-	-do-
29.	R.R.Sahu	-do-	-do-
30.	H.C.L.Kadam	-do-	-do-
31.	Budh Dev Kumar	-do-	-do-
32.	B.S.Yadav	-do-	-do-
33.	Dilip Das	-do-	NISD, CWC, Jang.
34.	K.P.Sahu	-do-	NEID-III, CWC, Itanagar.
35.	T.S.Gurung,	W/A	KISO, CWC, Chapakhowa.

भवदीय,

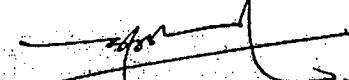
धीरेन्द्र कुमार तिवारी ।

अधिकारी अभियन्ता

संलग्न : यथोक्त ।

प्रतिलिपि सूचनार्थ :

1. सहायक अभियन्ता धीरेन्द्र, उ. पू. अ. म-3, के. ज. आ, इटानगर।
2. सहायक अभियन्ता, मा. स. ति. नि. फै. अ. उ. म/न्यु अ. उ. म/कु. अ. उ. म, के. ज. आ, अलिपुरदार/जंग/चापाखोवा।


  
धीरेन्द्र कुमार तिवारी ।

अधिकारी अभियन्ता

NO. NEIC/2053/VOL.III/2005/3447-67  
**GOVERNMENT OF INDIA**  
**CENTRAL WATER COMMISSION**  
**NORTH EASTERN INVESTIGATION CIRCLE**

"Rebekka Ville", Near Barik Point,  
 Temple Road, Lower Lachumiere  
 Shillong-793001, Meghalaya  
 Phone: (0364) 2220706 (O), 2220720 (O), Fax: 2506001.

Dated, the 13<sup>th</sup> Feb 2006

**OFFICE ORDER**

Pursuant to the approval of Chairman, CWC conveyed vide Director (RMCD), CWC, New Delhi's letter No.6/23/IWSU/2005-RMCD dated 12.01.2006, the following ten Work-charged Khalasis, who have opted for transfer out of North Eastern Investigation Circle and who have also given their willingness to forego seniority, are hereby transferred to Planning Circle, CWC, Faridabad with immediate effect in public interest.

Sl.No.	Name of Khalasi	Present posting	Future posting
1	Shri Rameswar Rai	Alipurduar (W.B), under NEID-III, Itanagar	Planning Circle, CWC, Faridabad
2	Shri N.C. Das	Jang (Arunachal Pradesh), under NEID-III, Itanagar	-do-
3	Shri T.N. Singh	-do-	-do-
4	Shri P.C. Prasad	-do-	-do-
5	Shri J.N. Singh	Tuichang (Mizoram) under NEID-II, Aizawl	
6	Shri Md. Salim	Jang (Arunachal Pradesh), under NEID-III, Itanagar	-do-
7	Shri N.P. Singh	-do-	-do-
8	Shri Jagdish Singh	-do-	-do-
9	Shri Shivji Pandit	Tuichang (Mizoram) under NEID-II, Aizawl	-do-
10	Shri K.P. Sahu	NEID-III, Itanagar (Arunachal Pradesh)	-do-

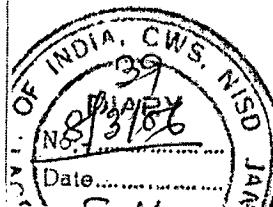
1302206

(P.M. Scott)

Superintending Engineer

Copy to :-

- 1) PPS to Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi
- 2) PS to Member (RM), Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi
- 3) Chief Engineer (BBB), Central Water Commission, Shillong with reference to his U.O. No.1(17)/2005-BBB/505 dated 07.02.2006
- 4) Director (RMCD), CWC, 902(N) Sewa Bhawan, R.K. Puram, New Delhi
- 5) Superintending Engineer, Planning Circle, CWC, Faridabad.
- 6) Executive Engineer, NEID-II, CWC, Aizawl
- 7) Executive Engineer, NEID-III, CWC, Itanagar
- 8) Asstt. Exe. Engineer, NEID-III, CWC, Aizawl
- 9) Asstt. Exe. Engineer, NISD, CWC, Jang
- 10) Asstt. Engineer, MSTLC Sub-Divn., CWC, Alipurduar
- 11) Persons concerned
- 12) Guard File



Received  
Jagdish Singh  
11/3/06  
Received  
N Singh

No. NEID-III/Adm-5/ 919

Date : 7.3.200

Copy to the Asstt. Ex. Engineer, NISD, CWC, Jang for information  
He is also direct to relieve the W/C staff working under him  
within the month of March, 2006 under intimation to this office.

  
Assistant. 7/3/06

**THE ASSISTANT ENGINEER  
Nyukhukar - Verification  
Nepali  
Central Water Commission  
Jang, Tawang Dist.  
(Arunachal Pradesh)**

## Annexure - VI

(12)

NO. NISD/cwc/Tang/E-16/46-49 Dt. 01-02  
(Arunachal Pradesh) F

OFFICE ORDER

Consequent upon his transfer from Nyukcharong Inun. Sub-Div. CWC. Tang to Yusum Village GDS Site (Under NISD Tang) Vide Executive Engineer, North Eastern Investigation Division III, CWC, Itanagar office order No. NEID. III / Adm-5/ 575-81 dated 29-1-2007, Sri B. L. P. Gupta Worksarkare Gr I is hereby relieved from his duties on 1-2-07 (AN) with the direction to report for Hydrological observation duty at Yusum Village GDS Site immediately.

Oru <sup>o2</sup>  
31/10/07

(J. N. BORUA)

ASSISTANT EXECUTIVE ENGINEER  
NISD, CENTRAL WATER COMMISSION, JANG  
DIST. TAWANG (W.H.)

Copy to :-

1. The Executive Engineer, North Eastern  
Incn. Divn. II, CWC, Itanagar.
2. Account Branch NEID. II, CWC, Itanagar
3. Sri H.C. Mishra JE (HQ) NISD, CWC, Teng.  
for necessary action.
4. Sri B.L.P. Gupta O/S GRI NISD, Teng.

(J.N. BORUA)

**ASSISTANT EXECUTIVE ENGINEER  
NISD, CENTRAL WATER SUPPLY SECTION, JANGI**

File No. ....

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

OA NO. 39/2007

SHRI B. L. P. GUPTA

.....APPLICANT

-VERSUS-

UNION OF INIDA & OTHERS

.....RESPONDENTS

IN THE MATTER OF

Written Statement filed by the respondents

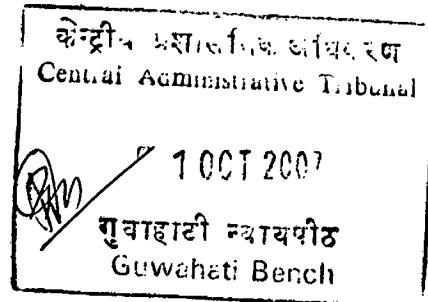
- 1) That the respondent shave received copy of the OA, have gone through the same and understood the contentions made thereof. Save and except, the statements, which are specifically admitted herein below rests, may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That the applicant who is working under North- Eastern Investigation Division- III, Itanagar and posted at Nyukcharong Investigation Sub- Division (NISD), Jang, Distt- Tawang (Arunachal Pradesh) as Work-Sarkar Grade-I had filed the OA before the Hon'ble Tribunal seeking relief to cancel his transfer orders to Yusum Village, GDS site and give effect to the cancelled order transferring him from Lang to Maithon, Distt- Dhanabad (Jharkhand).

The North- Eastern Investigation Division-II, CWC, Itanagar is engaged in Survey & Investigation (S&I) and preparation of detailed project report of various

01/10/07

Executive Engineer  
NEID - III, C. W. C  
P. B. No. 144, Itanagar

Filed by  
The Respondents  
in the  
Guwahati  
Division  
of  
the  
Central  
Administrative  
Tribunal  
on  
01/10/07  
Addl. Cuse  
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water resources development project and is having the following Sub- Divisions under its control.

- A) Manas-Sankosh-Teesta Link Investigation Sub-Division-I located at Alipur (West Bengal).
- B) Nyukcharong Investigation Sub-Division located at Jnag, Distt-Tawang (Arunachal Pradesh).
- C) Kundil Investigation Sub-Division, Chapakhowa, Distt- Tinsukia (Assam)- Under Closer.
- D) ~~Balpahari~~ Investigation Sub-Division located at Maithon in the District of Dhanbad (Jharkhand).

The posting of the work-charged staff depends upon the area in which the S & I works are being carried out and the quantum of work involved which varies with time. After completion of the works, the work-charged staffs are transferred to other places where new works are taken up.

The North- Eastern Investigation Division-III, Itanagar along with other two Divisions located at Silchar and Aizawl <sup>are</sup> under the administrative control of North- Eastern Investigation Circle, Shillong headed by Superintending Engineer.

The Superintending Engineer, North- Eastern Investigation Circle (NEIC), Shillong is the cadre controlling authority in respect of Work-Charged establishment under his jurisdiction, which includes three Divisions located at Silchar, Aizawl and Itanagar. Work-Charged staffs were required at the newly opened Balpahari Investigation Sub-Division at Maithon, Dhanbad, Jharkhand. Accordingly a circular vide No. NEIC/2009/Vol. VIII/2005/1236-39 dated 09.08.2006 (Annexure-I) was issued by the Superintending Engineer, Shillong inviting applications amongst the work-charged staff posted at various places under the Divisions located at Silchar, Aizawl and Itanagar, who were interested in posting to Balpahari Investigation Sub-Division at

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Guwahati Bench

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Maithon. Based on the applications received and taking into consideration various factors and exigencies of the work, 15 work-charged staff amongst the work charged staff posted under North-Eastern Investigation Division-III were issued vide No. NEID-III/Adm-5/4003-26 dated 14.10.2006 (Annexure-II) including the applicant. Besides it few Work-Charged staff were also transferred from other two Divisions vide Superintending Engineer, NEIC, Shillong office order No. NEIC/2009/Vol.IX/2374-86 dated 04.12.2006(Annexure-III). The applicant, in response to the above circular did not give any willingness for getting himself transferred to BISD, Maithon. Later on after review of the works position and the staff requirement, the transfer orders of the applicant was cancelled vide order-dated 09.12.2006 (Annexure-IV). Later on vide order-dated 29.01.2007(Annexure-V) the applicant was transferred to Yusum Village, GDS site as because Yusum Village is an important Guage Discharge and site observation site and a senior work-charge staff is required to manage the overall affairs of the GDS site.

The transfer order dated 14.10.2006 was an inter-Sub-Division order under the jurisdiction of NEID-III, Itanagar and within the administrative control of NEIC, Shillong. Thus, the contention of the applicant that it was an inter-circle transfer order is totally incorrect and the applicant is trying to twist the matter and has tried to mislead the Hon'ble Tribunal. by this act of the applicant it can be inferred that he is trying to keep himself away from the responsibilities entrusted to him for carrying out Government work.

The applicant again put up false facts before the Hon'ble Tribunal that one Junior Engineer is already working at the site. The fact is that no Junior Engineer is posted at Yusum Village site. Out of the two Junior Engineers posted under NISD, Jang, one is looking after the works of Junior Engineer (HQ) and other is looking after the drilling works.

The applicant has hidden the facts from the Hon'ble Tribunal that in pursuance to order dated 29.01.2007 (Annexure-V), he has already been

*Subrahmanyam*  
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Gauhati Bench

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relieved of his duties with effect from 01.02.2007 (Annexure-VI) by Assistant Executive Engineer, NISD, Jang with the directions to report for duty to Yusum Village GDS site.

The applicant has never approached any authority of Central Water Commission airing his grievances for which this OA has been filed. His declaration that he has expressed his grievances before the respondent No. 4 is totally false. As such he has not exhausted the remedies available to him.

In view of the position explained above the applicant has filed the case by giving totally false and misleading information to the Hon'ble Court. The applicant has never approached any authority of CWC to air his grievance. He is trying to shed off the responsibility entrusted to him and is trying to hamper the Government work. The applicant by filing such a baseless application before the Hon'ble Tribunal is trying to waste valuable time of the Hon'ble Tribunal and on this score alone the OA is liable to be dismissed with cost.

- 3) That with regard to the statement made in paragraph 6(i) to 6(vi) of the OA, the respondents state that the details mentioned by the applicant has no relevance with the present case.
- 4) That with regard to the statement made in paragraph 6(vii) of the OA, the respondents beg to submit that the seniority of work charged staff in Central Water Commission is maintained at Circle level. Transfer of work-charged officials from one Circle to another Circle is not done (except in very rare case, depending upon the situation and that too in the lowest grades of work charged khalasi after foregoing their seniority) as it disturbs the seniority of the work charged staff of the Circle, where the work-charged staff is transferred. The Circle under which the applicant is working, has a wide jurisdiction covering whole the Northeast, and North Bengal. Accordingly the work- charged staffs are posted within the jurisdiction of the Circle only. Very recently the Damodar

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Guwahati

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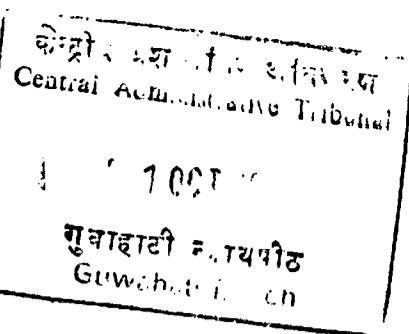
Valley comprising the district of Dhanbad and Giridih in Jharkhand has been added to the jurisdiction of the Circle. The transfer of the Work Charged staffs by the department is made depending upon the work requirement and other exigencies. All out efforts are made not to disturb the staff during mid-academic session. Further the applicant is not putting up with his family at Jang as such; no disturbance is caused to his school/college going children. The applicant has been claiming children education allowance for his children admissible as per rule.

The work charged staffs are required for carrying out works in the field. The Hon'ble Tribunal will agree that the arrears where Survey & Investigation works dir Water Resources Development are taken up do not have adequate infrastructure facility, however the Department makes all out efforts to provide the basic minimum requirement to the staff posted in field as per the rules and resources available with the Department.

In view of the above position the request of posting of work-charged staff, whose home-town is outside the jurisdiction of the Circle cannot be considered.

- 5) That with regard to the statement made in paragraph 6(viii) of the OA, the respondents deny the contentions made therein. The Hon'ble Tribunal directed the respondents vide their order-dated 22.04.2002 (Annexure-VII) in OA No. 123/2002 to consider the case of Shri B. L. P. Gupta Work Charged Grade-I as per law. The Hon'ble Tribunal has allowed two weeks for making a representation by Shri B L P Gupta, Work-charged Grade-I before the authority for narrating his grievances. The authority turned down the representation of Shri B.L.P. Gupta as the same was received beyond the time period stipulated by the Hon'ble Tribunal.
- 6) That with regard to the statement made in paragraph 6(ix) of the OA, the respondents beg to submit that the Hon'ble Tribunal in the judgment and order dated 25.5.2003 (Annexure-VIII), while dismissing the OA No. 281/2002 had

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observed under para 4 that "...transfer and posting is within the domain of the authority. The authority is within its jurisdiction to transfer and post its employee, keeping in mind the administrative convenience and exigencies of service. Needless to state that the employer is also competent to allay the grievance of the employee keeping in mind public interest and the business of administration." Based on the representation of Shri B.L.P.Gupta, Work-charged Grade-I and sympathetically considered of the same by the authority, the applicant was transferred from China Bridge site to NISD Headquarter at Jang and joined at NISD Jang (HQ) on 11.5.2002 (Annexure-IX).

7) That with regard to the statement made in paragraph 6(x) of the OA, the respondents beg to submit that the representation of the applicant seeking transfer on ground of illness of his family members and self to any of the offices located under the jurisdiction of Chief Engineer, LGBO, Patna in Bihar was forwarded to Superintending Engineer, NEID, CWC, Shillong by the Executive Engineer, NEID-III, Itanagar (Annexure- X). The Superintending Engineer, NEID, Shillong vide his letter No. NEIC/2009/Vol-II/2004/769 dated 03.03.2004 (Annexure-XII) intimated that the Central Water Commission, New Delhi has not acceded to the request of the applicant, Work-Charged Grade-I. It was also intimated by the Superintending Engineer that in case of the applicant it is interested in getting himself transferred to at the proposed S & I work of Twlang project under NEI Division No.II, Aizawl, his case can be considered. But no representation on this account was received from the applicant and he continued to work under NISD, CWC, Jang.

8) That with regard to the statement made in paragraph 6(xi) of the OA, the respondents beg to submit that the Superintending Engineer is the cadre controlling authority in respect of Work-charged establishment under his jurisdiction, which includes three Divisions located at Silchar, Aizawl and

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Itanagar. Work-charged staffs were required at the newly opened Balpahari Investigation Sub-Division at Maithon, Dhanbad, Jharkhand. Accordingly a circular vide No. NEIC/2009/Vol.VIII/2005/1236-39 dated 09.8.2006 (Annexure-I) was issued by the Superintending Engineer, Shillong inviting applications amongst the work-charged staff posted at various places under the Divisions located at Silchar, Aizawl and Itanagar, who were interested in posting to Balpahari Investigation Sub-Division at Maithon. Based on the applications received and exigencies of the work, 15 work-charged staff amongst the work-charged staff posted under North-Eastern Investigation Division-II was issued vide No. NEID-III/Adm-5/4003-26 dated 14.10.2006 (Annexure-II) including the applicant. Besides it few Work-charged staffs were also transferred from other two Divisions vide Superintendent Engineer, NEIC, Shillong office order No. NEIC/2009/Vol.IX/2374-86 dated 04.12.2006 (Annexure-III). The applicant in response to the above circular did not give any willingness for getting himself transferred to BISD, Maithon. Later on after review of the works position and the staff requirement, the transfer orders of the applicant was cancelled vide order dated 09.12.2007 (Annexure-IV). Depending upon the exigencies of the work the applicant vide order dated 29.01.2007 (Annexure-V) was transferred to Yusum Village, GDS site as because Yusum village is an important Gauge Discharge and silt observation site and a senior work-charged staff required to manage the overall affairs of the GDS site.

The statement made by the applicant that an inter-circle transfer order was made vide order dated 14.10.2006 is not correct. The transfer order was issued by the respondents No.4 and was within the jurisdiction of the Division/Circle in which the applicant is working. The respondent No.4 is competent to transfer/post work-charged staff within the jurisdiction of the Division.

The Chief Engineer, Brahmaputra and Barak Basin organization, Central Water Commission, Shillong vide its office order dated 29.8.2006 (Annexure-XII) had conveyed approval for opening of new Sub-Division at Maithon under

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Guwahati Bench

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the control of NEID-III, Itanaga. No order was issued by Chief Engineer, Brahmaputra and Barak Basin Organization, CWC, Shillong approving the transfer order dated 14.10.2006 in respect of the work-charged staff.

9) That with regard to the statement made in paragraph 6(xii) of the OA, the respondents beg to offer no comment.

10) That with regard to the statement made in paragraph 6(xiii) of the OA, the respondents beg to submit that the applicant has stated that he was stunned and surprised on receiving the cancellation order dated 09.12.2006, but then also he did not make any representation to give effect to his transfer orders to BISD, CWC, Maithon. It is very clear from above that to the applicant it made no difference whether he was transferred to Maithon or retained at NISD, Jang Headquarters. It was only after receipt of transfer orders for Yusum village and consequently relieving orders dated 01.02.2007 that (where he is avoiding to join his duties even after getting relieved) the applicant approached the Hon'ble Tribunal.

11) That with regard to the statement made in paragraph 6(xiv) of the OA, the respondents beg to submit that the applicant has stated that Yusum village GDS site is more difficult than China Bridge is not correct. Yusum village site is at an elevation of 1540m above mean sea level. The elevation of China Bridge is about 2230 meters above mean sea level and that of Jang is about 2500 meter above sea level. Comfortable Temporary accommodation is available at the GDS site, where other work-charged staff posted for the works at Yusum village GDS also live. The climate at Yusum village site is more comfortable from health point of view than China Bridge site or Jang.

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P.B. No. 144, Itanagar

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Guwahati Bench

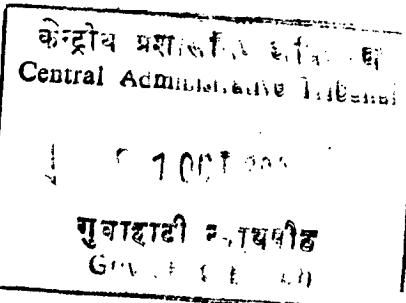
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Thus the contention of the applicant that Yusum village site is more difficult than China Bridge site is not correct and the applicant's main moto is to avoid joining his duties at Yusum village site by misleading the Hon'ble Tribunal.

12) That with regard to the statement made in paragraph 6(xv) of the OA, the respondents beg to submit that as stated under para (8) of this Written Statement the respondent No.3 had issued orders for opening of new Sub-Division at Maithon for taking up the work of Survey and Investigation of Balipahari Multipurpose Project. The respondents No. 3 issued no transfer order. The transfer order dated 14.10.2006 was issued by the respondent No.4. The transfer order issued is also not an inter-circle transfer order as the newly created Sub-Division at Maithon is within the jurisdiction of NEIC, Shillong i.e. the present Circle under which the applicant is working. Thus being inter-Sub-Division transfer the respondent No. 4 is the competent to issue/ modify transfer order within the jurisdiction of NEID-III, Itanagar. The contention of the applicant that the order dated 09.12.2006 (Annexure-IV) and 29.01.2007 (Annexure-V) are <sup>intention</sup>punitive in nature with malafide and not in public interest is false and baseless.

13) That with regard to the statement made in paragraph 6(xvi) of the OA, the respondents beg to submit that the Yusum, Village GDS site is an important for carrying out various studies related to development of hydropower on river Tawang Chu. Central Water Commission (CWC) is an apex organization of the country in the field of water resources project the hydromet date is provided by CWC. To carry out proper and scientific observations at the site, adequate and skilled manpower is required. To manage the works at Yusum Village GDS site a senior Work-Charged staff was required to be posted. Further all other Work-Charged staff posted at Yusum Village GDS site is of the post of Work-Charged Khalasi (regular/temporary).

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The guidelines to which reference has been made at Annexure-F of the OA is factually a proposal framed by the Inter-Departmental Committee constituted for review of norms for work-Charged staff. The above proposal was made by the review Committee and was circulated for examination and comments from the field offices. The same has till date not been implemented. As per the norms in force for Work-Charged staff the duties of Work-Charged Grade-I includes (a) To assist Officer-in-charge (Annexure-XIII). The applicant has stated that at present there is a Junior Engineer posted at site. This statement is also not correct. There is only Junior Engineer posted under NISD, CWC, Jang. One Junior Engineer is looking after the works of Junior Engineer (HQ) and one Junior Engineer is looking after the drilling works.

Thus the contention of the applicant that the applicant cannot be posted at GDS site is totally incorrect, false and misleading.

- 14) That with regard to the statement made in paragraph 6(xvii) of the OA, the respondents beg to submit that Shri A. N. Pandey Work-charged khalasi presently posted at Yusum Village GDS site is the in-charge of the GDS site and the works at GDS site is being carried out under his supervision. Shri A.N. Pandey has been working under NISD, CWC, Jang since 06.06.2000. Since Shri A. N. Pandey should be relieved after joining of the applicant, so that the work at the GDS site does not suffer. The applicant will be site-in-charge of the Yusum Village site after release of Shri A.N. Pandey, Work-charged Khalasi. It does not mean that the applicant has been equated with a work-charged Khalasi. Further it is to state that no endorsement of the order dated 29.01.2007 (Annexure-V) has been made to Junior Engineer, NISD as has been stated in the OA No. 37/2007.
- 15) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to submit that the applicant has hidden the fact before the

*[Handwritten signature]*  
01/10/08  
Executive Engineer  
NEID - III, C. W. C  
P.B. No.144, Itanagar

केन्द्रीय नियन्त्रण निवायिका  
Central Administrative Tribunal  
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Guwahati Bench

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Hon'ble Tribunal that in pursuance of office order dated 29.01.2007, he has already been relieved of his duties from NISD, Jang by Assistant Executive Engineer, NISD, Jang with the direction to report for duty at Yusum Village GDS Site. By hiding this fact the applicant had prayed before the Hon'ble Tribunal not give effect of order dated 29.1.2007 (Annexure-V).

16) That with regard to the statement made in paragraph 8 of the OA, the respondents beg to submit that the applicant have not furnished any record of his exhausting the departmental remedies available to CWC employees for redressal of his grievances.

The statement of the applicant that he has expressed his grievance before the respondent No. 4 is not correct. As per the records available, no representation on the matter has been received from the applicant. The applicant has not availed all departmental remedies available. The application is liable to be dismissed with cost to the department.

#### PRAYER

In view of the submissions made herein above, the averments made by the applicant in the instant OA are devoid of merit and not maintainable under law. It is submitted that the applicant is resorting to tactics by giving false statements, misrepresentation of facts, misinterpreting the rules thereby wasting the valuable time of the Hon'ble Tribunal and is trying to hamper the Government. The applicant is in habit filing application before the Hon'ble Tribunal whenever any transfer order is issued in his mane. Hence, it is prayed that, this Hon'ble Tribunal may be pleased to dismiss the instant OA with cost.

  
81/10/02

Executive Engineer  
NEID - III, C. W. C  
P.B. No.144, Itanagar

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Guwahati Bench

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### VERIFICATION

I ..... SUNIL KUMAR ..... aged .....  
about 34 years at present working as  
EXECUTIVE ENGINEER, NEID-III, C.W.C, ITANAGAR  
....., who is one of the respondents and taking steps in this case, being  
duly authorized and competent to sign this verification for all respondents,  
do hereby solemnly affirm and state that the statement made in paragraph

1

are true

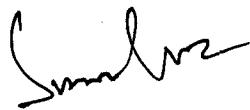
to my knowledge and belief, those made in paragraph

2 to 16

being matter of records, are

true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 01<sup>st</sup> day of October 2007 at GUWAHATI



DEPONENT

Executive Engineer  
NEID - III, C. W. C  
P.B. No.144, Itanagar

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-13-  
Annexure-I

गृह राज्य  
GOVERNMENT OF INDIA  
केंद्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर पूर्वी अवैष्ण विभाग  
NORTH EASTERN INVESTIGATION CIRCLE

No. NEIC/2009/Vol.VIII/2005/ 1236-39  
Dated: 09/08/2006

Office No. "Rebekka Villa",  
Near Barik Point, Mela Rd, Temple Road,  
Lower Lachumiere,  
Shillong-793001, (State) Meghalaya  
Phone: (0364) 2220706-(O), 2220720-(O), Fax: 2506991.

**Sub:- Posting of Workcharged-staff of NEIC to investigation site of Balpahari Project in Jharkhand**

The Damodar Valley Corporation (DVC) has made an offer to CWC, NEIC for conducting the Survey and Investigations and preparation of Detailed Project Report of Balpahari Project located in Dhanbad / Giridih districts of Jharkhand, with a work period of about two years.

Those W/C staff working under the establishment of NEIC and desirous of getting a transfer to Balpahari Project may submit their willingness for transfer to the undersigned through proper channel at the earliest.

30-11

11/08/06  
(P. M. Scott)

Superintending Engineer

To:

1. The Executive Engineer, North Eastern Irrigation Division-I, CWC, Jalbikashpur, Rongpur-Part-I, Silehar-788009
2. The Executive Engineer, North Eastern Irrigation Division-II, CWC, Jalashaktipuram, Zemabawk, Aizawl-796017.
3. The Executive Engineer, North Eastern Irrigation Division-III, CWC, P.O. Box No.144, Chimpur, Itanagar-791111

Copy to Chief Engineer (BBBO), CWC, Shillong for kind information.

11/08/06  
(P. M. Scott)  
Superintending Engineer

Copy to file:  
NEIC/DB/ W-213/2005/

2242  
17/8/06

P.T.O

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- १६ -  
 GOVERNMENT OF INDIA Annexure-IP  
 केन्द्रीय जल आयोग  
 CENTRAL WATER COMMISSION  
 उत्तर-पूर्वी अन्वेषण मण्डल-III  
 N E INVESTIGATION DIVISION-III, ITANAGAR



ANNEXURE-C

Dated 14.10.2006

ITANAGAR III / ३००३० / १४०३-२६

कार्यालय

In pursuance to Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong office order no. 2(4)/2006-BB/3412-27 dated 29.08.06 vide which approval for shifting of the HQs of Kundil Investigation Sub Divn, CWC, from Chapakhowa, Distt-Tinsukia (Assam) to Maithan, Distt Dhanbad, Jharkhand and renamed as Balpahari Investigation Sub Division for under taking the works of Survey & Investigation of Balpahari Dam Project was conveyed, the following W/C staff working under North Eastern Inv Divn-III, Itanagar are hereby transferred to Balpahari Dam Project under Balpahari Investigation Sub Division, Maithan with immediate effect in public interest.

Sl. No.	Name and Designation	Present place of posting	Further place of posting
1.	S/Shri Manik Dutta, Mech Gr.I	Kundil Inv-Sub-Divn, Chapakhowa (Assam)	Balpahari-Dam Project under Balpahari-Inv Sub Divn, Maithan (Jharkhand)
2.	R.K. Singh, W/C Khalasi	-do-	-do-
3.	H.L. Kakoti, W/C Khalasi	-do-	-do-
4.	R.K. Barman, W/C Khalasi	-do-	-do-
5.	Maliendra Sharma, W/C Khalasi	-do-	-do-
6.	D.C. Nath, W/C Khalasi	-do-	-do-
7.	S.U. Barbhuiya, W/C Khalasi	-do-	-do-
8.	B.L.P. Gupta, W/S Gr.I	Nyukcharong Inv Sub Divn, Jang (AP)	-do-
9.	A.N. Pandey, W/C Khalasi	-do-	-do-
10.	S. K. Chakraborty, W/S-III	MSTLCISD-I, Alipurduar (WB)	-do-
11.	J. Chakraborty, W/C Khalasi	-do-	-do-
12.	G.K. Dutta, W/C Khalasi	-do-	-do-
13.	R.B. Menger, W/C Khalasi	-do-	-do-
14.	N.R. Das, W/C Khalasi	NEID-III, Itanagar (AP)	-do-
15.	Dilip Das, W/C Khalasi	-do-	-do-

mm45 (446)  
 (Anupajit Prasad) 14/10  
 Executive Engineer

Copy for information to :-

1. The Superintending Engineer, North Eastern Inv Circle, CWC, Shillong.
2. The Superintending Engineer (Co-ord.), Office of the Chief Engineer, Brahmaputra & Barak Basin Organisation, CWC, Shillong.
3. The Assistant Executive Engineer (HQ), NEID-III, CWC, Itanagar.
4. The Assistant Executive Engineer, NI Sub Divn, CWC, Jang.
5. ~~The Assistant Executive Engineer, NEID-III, CWC, Alipurduar.~~
6. The Assistant Engineer, KI Sub Divn, CWC, ~~Champi~~.
7. The Jr. Engineer(HQ)/Accounts Branch/Drawing Branch, NEID-III, CWC, Itanagar.
8. Person concerned.

Government of India  
 Central Water Commission  
 North Eastern Investigation Circle  
 Shillong

"Rebekka Ville", Near Tukuk Point, Temple Road, Lower Lachumiere, Shillong-793001  
 Telephone No.0364-2220706, 2220720, Fax:0364-2506001, E-mail:scnic@sancharnet.in

NO:NEIC/2009/Vol:IX/ 2374-SG

Dated: 04/12/ 2006

OFFICE ORDER

The following Workcharged Staff borne on the establishment of North Eastern Investigation Circle are hereby transferred to Balpahari Project investigation site under Balpahari Investigation Sub-Division, Maithon, Jharkhand with immediate effect in public interest :-

Sr. No.	Name & Designation	Present posting	Transferred-to
1)	Shri Chanda Tudu, W/C. Khalasi	MHISD, Serchhip	Balpahari Project Investigation Site
2)	Shri Anil Kiskoo, W/C. Khalasi	-do-	-do-
3)	Shri Debraj Murmu, W/C. Khalasi	-do-	-do-
4)	Shri Prabhu Murmu, W/C. Khalasi	Tuichang Site under NEISD-III	-do-
5)	Shri Rama Pada Maity, W/C. Khalasi	NEISD-II, Tarangblang	-do-

( P. M. Scott )

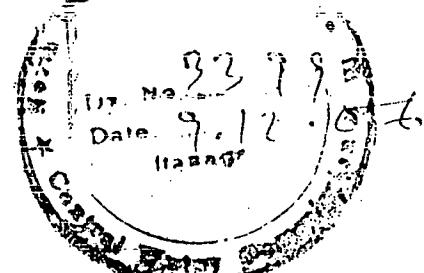
Superintending Engineer

Copy to :-

1. Executive Engineer, NEID-I, CWC, Silchar with reference to his letter No.NEID-I/ESU.26/2006/201.1-12 dated 29<sup>th</sup> Aug. 2006
2. Executive Engineer, NEID-II, CWC, Aizawl with reference to his letter No.NEID-II/ESU.6(Transfer)/2006/2951-54, dated 8.9.2006.
3. Executive Engineer, NEID-III, CWC, Itanagar, Arunachal Pradesh
4. Asstt. Executive Engineer, Balpahari Investigation Sub Division, CWC, Post Office Aran, Maithon, Dist. Dhanbad, Jharkhand
5. Asstt. Engineer, NEISD-II, CWC, Tarangblang, Saipator, Jaintia Hills District, Meghalaya
6. Asstt. Engineer, NEISD-III, CWC, Aizawl, Mizoram
7. Assistant Engineer, MHISD, W/C, Serchhip, Mizoram
8. Persons concerned (5 Nos.) through respective Executive Engineers.

E.G - 16  
5/297

07/12/



Copy of this document  
 to Dr. A/B. NEID-III CWC  
 Shillong

P. M. Scott  
 Asstt.



गारत सरकार  
GOVERNMENT OF INDIA  
केन्द्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर पूर्वी अन्वेषण मण्डल-III, ईटानगर  
N E INVESTIGATION DIVISION-III, ITANAGAR

Annexure-IV



क्र.उ.पू.आ.म.-III/प्रश्ना.-5/

५४७७-५०

दिनांक १२/१०/२००६

### कार्यालय आदेश

इस कार्यालय के कार्यालय आदेश संख्या उ.पू.आ.म.-III/प्रश्ना.-5/खण्ड-XVIII/4003-26 दिनांक 14/10/2006 द्वारा किया गया श्री बी.एल.पी.मुप्ता, वर्क सरकार ग्रेड-I का स्थानान्तरण न्यूकचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग अरुणाचल प्रदेश से बालपहाड़ी अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, मार्ईथान एवं ईटानगर सदर बिभाग जाता है।

(अनुपम प्रसाद)  
अधिशासी अभियन्ता

#### प्रतिलिपि :

1. अधीक्षण अभियन्ता, उत्तर पूर्व अन्वेषण वृत, केन्द्रीय जल आयोग, शिलांग को सादर सूचनार्थ ।
2. अधीक्षण अभियन्ता, (रा.) ब्रह्मपुत्र एवं वराक वेरिंग रांगठंग, केन्द्रीय जल आयोग, शिलांग (मेघालय) को सादर सूचनार्थ ।
3. सहायक अधिशासी अभियन्ता, न्यूकचारांगचु अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग अरुणाचल प्रदेश ।
4. सहायक अधिशासी अभियन्ता, बालपहाड़ी अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, मार्ईथान झारखंड ।
5. सहायक अभियन्ता, एम.एस.टि.एल.सि. न0.1, केन्द्रीय जल आयोग, अलिपुरद्वार ।
6. कार्निच जनिकाल, तुम्हारा पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, ईटानगर ।
7. लेखा शाखा-चित्तर-पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, ईटानगर ।
8. बीजाक लिपिका, उत्तर पूर्व अन्वेषण मण्डल-III, केन्द्रीय जल आयोग, ईटानगर ।
9. श्री बी.एल.पी.मुप्ता, वर्क सरकार ग्रेड-I, न्यूकचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग अरुणाचल प्रदेश।



भारत सरकार

GOVERNMENT OF INDIA

केन्द्रीय जल आयोग

CENTRAL WATER COMMISSION

उत्तर-पूर्वी अन्वेषण मण्डल-III

N E INVESTIGATION-DIVISION-III, ITANAGAR



क्र.उपग्रह-III/प्रश्न-5/ ५७५-८१

दिनांक : २९.१.२००७

## कार्यालय आवेदन

निम्नलिखित कार्यालयिता कर्मचारियों का स्थानांतरण तत्काल प्रयावर किया जाता है।

क्रमांक	कर्मचारी का नाम एवं पद	वर्तमान तैनाती स्थल	स्थानांतरण उपरांत तैनाती स्थल	टिप्पणी
1	2	3	4	5
1.	श्री बी. एल. पी. गुप्ता, केन्द्रीय सरकार यूड-।	न्यूकचारण अन्वेषण उप-मंडल, जंग	यूसूम ग्राम जी.डी.एस उप-मंडल (न्यूकचारण अन्वेषण उप-मंडल के अंतर्गत)	लोकहित में
2.	श्री एस.के. मजूमदार, वर्कचार्ज खलारी	न्यूकचारण अन्वेषण उप-मंडल, जंग	- वही -	लोकहित में
3.	श्री डिवेश्वर वरुआ, सीएलटीएस	बल पहाड़ी अन्वेषण उप-मंडल, गैथन	- वही -	निजीहित में
4.	श्री के. के. कलिहारी, रीएलटीएस	एग्रेसटीएलरी अन्वेषण उप-मंडल-।, अलीपुरदार	बल पहाड़ी अन्वेषण उप-मंडल, गैथन	लोकहित में

मुख्यमन्त्री  
(अनुप्रम प्रसाद)  
अधिकारी अभियन्ता

## प्रतिलिपि :-

- अधिकारी अभियन्ता, उत्तर-पूर्वी अन्वेषण परिमंडल, केन्द्रीय जल अध्योग, रेलवे का वीले, वैशेषिक पाइपर के पास, टेपल रोड, लोआर लाम्पारे, शिलांग-793 001 (मेघालय) सूचनार्थ। सहायक अधिकारी अभियन्ता, न्यूकचारण अन्वेषण उप-मंडल, केन्द्रीय जल अयोग, जंग (आज्ञानाचल प्रदेश) उनके पत्र संख्या : NJSD/CWC/Jang/PF-12/06/567 दिनांक 24.11.06 के रोदर्ग में सूचनार्थ एवं आवश्यक कार्रवाई हेतु। उन्हें निर्देश दिया जाता है कि श्री बी.एल.पी. गुप्ता, वर्कशारकार पूड-। के यूसूम ग्राम स्थल पर कार्यग्रहण करने के पार्याप्त ही श्री ए.एन.ए.ए. वर्क चार्ज खलारी को बल पहाड़ी अन्वेषण उपगंडल, गैथन में कार्यप्रहण हेतु विसर्जित करें।
- सहायक अधिकारी अभियन्ता अभियन्ता अन्वेषण उप-मंडल, केन्द्रीय जल अध्योग, मैथन (आज्ञानाचल) उनके पत्र संख्या : NJSD/CWC-2/1/2006/69 दिनांक 04.05.07 के संदर्भ में सूचनार्थ एवं आवश्यक कार्रवाई हेतु। श्री डिवेश्वर वरुआ, सीएलटीएस को श्री ए.एन.ए.ए. वर्कचार्ज खलारी का धूम्रपान करने के पश्चात ही विसर्जित करें।
- सहायक अधिकारी अभियन्ता एस टी.एल. सी. उप-मंडल-।, केन्द्रीय जल अध्योग, अलीपुरदार (प. लंगाल) सूचनार्थ एवं आवश्यक कार्रवाई हेतु।
- सहायक अधिकारी अभियन्ता अन्वेषण परिमंडल-।।, केन्द्रीय जल अध्योग, बिट्टमर। रामपुर विधानसभा।
- व्याख्याता गिरिल।

OFFICER  
THE ASSISTANT ENGINEER  
Nyukcherrong Division  
for Division  
Central Water Commission  
Jang, Tawang (A.P.)  
Arunachal Pradesh (A.P.)

Annexure VI

Ax. VI

D.

85

No:- NISD/ewc/Jang/E-16/46-49 Dt. 01/02/07

OFFICE ORDER

Regd

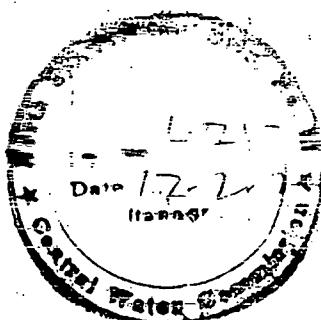
Consequent upon his transfer from Nyukcherrong from Sub-Div. ewc. Jang to Yusum Village GDS Site (under NISD Jang) Vide Executive Engineer's North Eastern Investigations Division III, ewc. Managarc office order NO. NEID. III / Adm-51 575/81 dated 29-1-2007 Sri B. L. P. Gupta Work SARKARI En. I is hereby relieved from his duties on 1-2-07 (NN) with the direction to report for hydrological observations duty at Yusum Village GDS Site immediately.

J. N. BORUA

ASSISTANT EXECUTIVE ENGINEER  
NORTH CENTRAL WATER COMMISSION, JANG  
DIST. TAWANG (A.P.)

Copy to :-

1. The Executive Engineer, North Eastern Sub-Div. III, ewc. Managarc.
2. Account Branch NEID. III, ewc, Managarc
3. Sri H.C. Mishra JE (H.A) NISD, ewc. Jang for necessary action.
4. Sri B. L. P. Gupta Q/S I NISD Jang.



12/2/07  
L-21

J. N. BORUA

ASSISTANT EXECUTIVE  
ENGINEER  
NORTH CENTRAL  
WATER COMMISSION  
TAWANG (A.P.)

-12-

Annexure - VII

ANNEXURE - A

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Original No. 123 / 2002  
Misc. Petition No. /  
Contempt Petition No. /  
Review Application No. /

Applicant(s) B. L. P. Lythra

Respondent(s) U.O.I. Govt.

Advocate for Applicant(s) B. Malakar, R. Das

Advocate for Respondent(s) C. A. C.

Notes of the Registry | Date | ORDER OF THE TRIBUNAL

22.4.02 By this application the applicant assailed the office order No. NEID-III/ Admn-5/1452-60 dated 28.3.2002 transferring the applicant from MSTLC Inv. Sub Divn-1, CWC, Alijirduar to Jang in Arunachal Pradesh. The applicant contended that the impugned order is contrary to the policy guidelines of the transfer. It was also contended that the order of transfer caused ~~disarr~~ <sup>disarr</sup> in the family life by depriving him from getting the necessary medical benefits.

Heard Mr. B. Malakar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. I.C.G.S.C. for the Respondents, at length.

Upon hearing learned counsel for the parties, I am of the view that ends of justice will be met if a direction is given to the applicant to make a representation or appeal before the authority correcting his grievances within two weeks from today. If such representation is made by the applicant within the aforesaid period, the respondents shall fairly and sympathetically consider his grievances and pass necessary order. The learned counsel for the respondents stated that the applicant has already been released. \_\_\_\_\_ shall not preclude the respondents in \_\_\_\_\_ case of the applicant as per law.

With the observation made above the application is disposed of. No order as to costs.

Present No.

Copy in the form of and sd/ VICE CHAIRMAN Shri to Recd. in 23/4/10  
High Court Office (CJ)

- 12 -

Annexure-VIII

~~ANNEXURE A~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.281 of 2002

Date of decision: This the 25th day of April 2003

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

Shri Bhagwan Lal Prasad Gupta  
Work Sarkar Grade I,  
MSTLC Sub-Division I/CWC,  
Alipurduar. ....Applicant  
By Advocates Mr B. Malakar and Mr R. Das.

- versus -

1. The Union of India, represented by the  
Superintending Engineer,  
CWC/NEID Circle,  
Shillong.
2. The Executive Engineer,  
NEID-II/CWC,  
Itanagar. ....Respondents  
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

By order dated 28.3.2002 the applicant, a Workcharged Staff belonging to the North Eastern Investigation Division NO.III, Central Water Commission was transferred to Nyukcharong Investigation Sub-Division I, Central Water Commission, Jang, Arunachal Pradesh from MSTLC Investigation Sub-Division I, Central Water Commission, Alipurduar. The applicant assailed the legitimacy of the order before this Bench. By Judgment and Order dated 22.4.2002 in O.A.No.123 of 2002, the application was disposed of directing the applicant to make a representation/appeal before the authority within

: 2 :

the time specified with the further direction to the authority to consider the same sympathetically. The applicant accordingly submitted his representation dated 8.5.2002 for modification of the transfer order. The authority on receipt of the same intimated that the representation of the applicant was not received by the authority within the time stipulated by the Tribunal. It was also mentioned that due to administrative exigencies and convenience his request could not be acceded to. Hence this application questioning the legitimacy of the action of the respondents.

2. The respondents contested the case and submitted their written statement denying and disputing the claim of the applicant.

have heard Mr. B. Malakar, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G. & C. appearing on behalf of the respondents. Mr. Malakar contended that the respondents while passing the impugned order missed the contents of the order passed by the Tribunal and the respondent authority put more emphasis on the form. From the tenor of the order it seemed that the Executive Engineer was seemingly concerned with the stipulation given by the Tribunal, but, at the same time the order also showed that the authority also considered the applicant's prayer on merit and therefore the respondent authority refused to accede to the request for modification of the transfer order. Therefore, the order cannot be flawed on that account. The learned counsel for the applicant also mentioned the cases of some of the overcharged employees whose cases were.....

3

were favourably disposed of and posted them accordingly on receipt of representations from the Workcharged Khalasis. Mr B.C. Pathak, learned Addl. C.G.S.C., stated that on some good ground, no doubt such actions were taken at the interference of the higher authorities. Mr Pathak submitted that no illegality, as such was discernible in such move.

4. Admittedly, transfer and posting is within the domain of the authority. The authority is within its jurisdiction to transfer and post its employee, keeping in mind the administrative convenience and exigencies of service. Needless to state that the employer is also competent to allay the grievance of the employee keeping in mind public interest and the business of administration.

5. On consideration of the matter as a whole, no  
alleged illegality, as such is discernible for interference by  
the Tribunal.

6. The application is accordingly dismissed. The dismissal of the application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place. If such representations are presented to the appropriate authority by the applicant, the concerned authority in that event shall be duty bound to consider the representation justly and fairly and appreciatively respond to such appeal with comiseration.

## THE SONGS OF THE CHINESE

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TRUE COPY

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### Section Officers

*Section-Officer-131*  
**C.A.T. GUWALIATI 845971**

C. I. GOVERNMENT PRESS

Guarantee

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23  
~~Annexure~~

Government of India  
Central Water Commission  
Nyukcharong Chu Inv. Sub-Division,  
Jang Distt: Tawang  
(A.P.)

Annexure-IX

90

NO:NISD/CWC/Jang/5-IV/2004/573

Dated: 27/09/2004

To

The Executive Engineer,  
North Eastern Inv. Division No-III,  
Central Water Commission,  
Itanagar (A.P.)

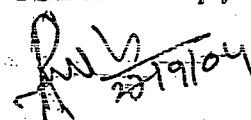
Sub: Submission of joining report of shri B.L.P.  
Gupta, W/S Gr-I,

Ref: NEID-III/Adm-5/Vol-16/3334-47 dt. 1.9.2004

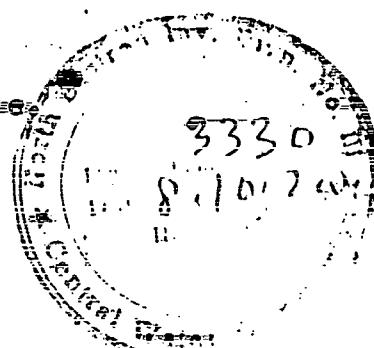
Sir,

Enclosed please find herewith the joining report of shri B.L.P.Gupta, W/S Gr-I, as he has already joined in the NISD,CWC,Jang on 11.8.2004 after telephonic discussion with you on dt. 10.8.2004 undersigned instructed him to report in the sub-Division office, Jang for shifting of his head quarter from GDS site CWC China Bridge to NISD,CWC,Jang. This is for your kind information please.

Yours faithfully,

  
27/9/04  
( RAM AVADHI )  
Additional Engineer

Encl: As above



To

The Assistant Engineer,  
Nyukcharong, Chu Inv. sub-Division,  
Central Water Commission,  
Jang Distt: Tawang (A.P.)

Sub: Submission of joining report on shifting  
of head quarter from GDS site China Bridge  
to NISD, CWC, Jang. i.e. own cost of own  
interest.

Sir,

I am submitting herewith the joining  
report to-day i.e. on 11.08.2004 (F.N.) in the  
sub-Division office at Jang.

This is submitted for your kind information  
and necessary action please.

Yours faithfully,

*B. L. P. Gupta*  
( B. L. P. GUPTA )  
W/S Grade-I.  
NISD, CWC, Jang (A.P.)



भारत सरकार  
**GOVERNMENT OF INDIA**  
 केंद्रीय जल आयोग  
**CENTRAL WATER COMMISSION**  
 राष्ट्रीय पूर्ण अन्वेषण बांधना-III, इटानगर  
 N E INVESTIGATION DIVISION-III, ITANAGAR

ANNEXURE-B  
 ANNEXURE-X



क्र.एन.इ.आइ.डी.-III/ए.डि.पि-425/2002, 2042-44

प्राप्ति 6.7.2003

प्रति,  
 अधीक्षण अभियन्ता,  
 उत्तर पूर्वी अन्वेषण वृत्त,  
 केन्द्रीय जल आयोग,  
 जनीर गैस्टर, नागशिलियांग,  
 शिलांग-793014 (भेदालय)।

Sub: Inter-Circle transfer : OA No.281/2002 filed by Shri B.L.P. Gupta, W/C Work  
 Sarkar Gr.I V/s Union of India and others – Implementation of Order passed by  
 Hon'ble CAT on 25/4/2003.

Sir,  
 In continuation of this office letter no. NEID-III/Adm-125/2002/1828-29 dated  
 11.6.2003 on the above cited subject and to state that in response of order passed by the  
 Hon'ble CAT on 25/4/2003 in aforesaid OA, Shri B.L.P. Gupta, W/C Works Sarkar Gr.I has  
 submitted a representation dated 11.6.2003 for his posting at a suitable place convenient for  
 his health and medical treatment. A copy of his representation dated 11.6.2003 is enclosed  
 herewith for your ready reference and perusal please.

2. Shri B.L.P. Gupta, W/C Work Sarkar Gr.I was transferred from MSTLCISD-I,  
 CWC, Alipurduar (WB) to Nyukcharong Inv. Sub Divn, CWC, Jang with other persons vide  
 this office order no. NEID-III/Adm-5/1452-60 dated 28.3.2003 on public interest and joined  
 his duty under NISD, Jang on 11.5.2002. He has filed the case in the Hon'ble CAT, Guwahati  
 Bench under OA No.123/02 (MP No.63/02) sought relief for stay of transfer order on the  
 ground of illness of his family members, self etc. The Hon'ble CAT, Guwahati Bench has  
 delivered judgement in OA No.123/02 on 22.4.02 with direction to petitioner to make a  
 representation or appeal before the authority narrating his grievances within two week from  
 the date of judgement. Petitioner has failed to make representation within stipulated period.  
 However, his request for modification of transfer order dt. 28.3.2002 has been considered  
 sympathetically and because of administrative exigencies and works requirement at site under  
 NISD, CWC, Jang his request could not be acceded to and official concerned was informed  
 accordingly. Shri Gupta has again made a representation dated 21.5.2002 for his retention at  
 Alipurduar (WB) or reconsider his request for transfer/posting him at any CWC office which  
 is located in Bihar. In this connection this office letter no. NEID-III/Adm-125/2002/2993-95  
 dated 21.6.2002 may be referred to.

After joining duty under NISD, Jang Shri Gupta has submitted a representation for  
 his posting in NISD, Jang on ground that he is a chronic heart patient. His representation was  
 forwarded to Circle office vide this office letter no. NEID-III/WC/PF-138/693 dated  
 21.11.2002. Reply is still awaited.

Subsequently, Shri Gupta has again filed a case in the Hon'ble CAT Guwahati Bench under OA No. 281/02 and has sought relief that the transfer order dated 28.3.2002 may not be given effect and that the same may be reversed or modified and any other relief which the Tribunal may be pleased to grant. The Hon'ble CAT, Guwahati Bench has dismissed the application vide their order dated 25.4.2003.

The Hon'ble CAT, Guwahati Bench has further made the observation that the dismissal of application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place. If such representations are presented to the appropriate authority by the applicant, the concerned authority in that event shall be duly bound to consider the representation justly and fairly and appreciatively respond to such appeal with consideration.

In view of the above, it is stated that his request has been considered sympathetically for posting in other sites within the jurisdiction of this Division but at present his request for posting at some other place within the jurisdiction of this division cannot be acceded to owing to administrative exigencies and requirement of work. However, it is further stated that Shri B.L.P. Gupta has applied for his posting/transfer to Burhi-Gandak Sub-Division, CWC, Muzaffarpur (Bihar) under LGB Division, CWC, Patna or any offices of CWC which is located in Bihar or under Lucknow Division vide his application dated 16.10.2002 (copy enclosed). His application alongwith others was forwarded to you vide this office letter no. NEID-III/Adm-5/Vol.XV/2002/688-91 dated 21.11.2002 and subsequently forwarded to the Director, RMCD, CWC, New Delhi vide your letter No. NEIC/2053/Casual/2002/4860-64 dated 3.12.2002.

In view of the above facts and CWC No. B-12020/2/2003-E-XII dt 15<sup>th</sup> Jan 2003 it is requested that representation of Shri Gupta may be taken up with CWC(Hqrs) for his inter-Circle transfer out of the North Eastern Inv Circle Unit.

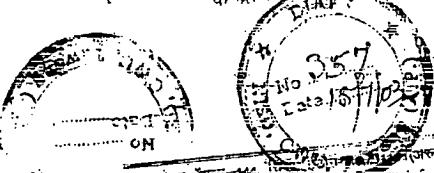
Received  
09/03/2003  
संलग्न :- यथोक्त  
लोगों  
लोगों  
प्रतिलिपि :-

भवदीय,  
(धीरेन्द्र कुमार तिवारी)  
अधिकारी अधिकारी

1. रामगण अग्रिमना, एन.आई.एस.डी. केन्द्रीय जल आयोग, जम्मा नो. पर. रा.  
एनआईएसडी/रीडिक्युरी/जम्मा/ रथा-IV / 387 दिनांक 11.6.03 के संदर्भ में शुरू किया।

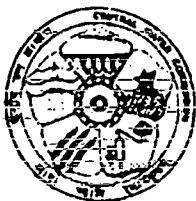
2. श्री दीपेन्द्र पाण्डा, केन्द्रीय संस्कार ग्रेड-1 दाख सहायक अग्रिमना, एन.आई.एस.डी.  
केन्द्रीय जल आयोग, जम्मा शुरू किया।

(धीरेन्द्र कुमार तिवारी)  
अधिकारी अधिकारी



पोस्ट बॉक्स-144, इमारत-1, नियंत्रित प्रदेश, P.O.Box-144, Chirapuri, Itanagar-791111 (Arunachal Pradesh)  
Gram : Centurion, Itanagar, Telephone : 0360-203510, Telefax : 0360-203512, email : exenewsc@sancharnet.in

Gram: SENECSHILLONG



Phone : (0364) 2521049  
Fax : (0364) 2521330

No. NEIC/2009/Vol-II/2004/ 769.

Government of India  
Central Water Commission  
North Eastern Inv. Circle  
"Jainti Mansion" Nongshilliang,  
Shillong- 793014.

Date, 03-03- 2004

To

The Executive Engineer  
North Eastern Inv. Divn. No. III,  
Central Water Commission  
Itanagar.

Sub:-

Transfer of Shri B. L. P. Gupta, Work Sarkar -I

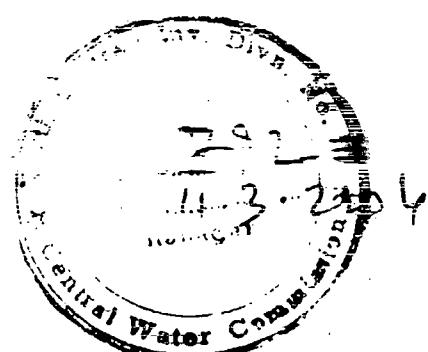
Reference is invited to your office letter No. NEID- III/Adm-125/2002/305 dated 30-01-2004 regarding transfer of Shri B.L. P. Gupta, Work Sarkar -I.

On going through his application addressed to you which was received by this office <sup>wide</sup> ~~wide~~ your letter No. NEID-III/Adm-125/2002/2042-44 dated 04-07-2003 it is observed that Shri B. L. P. Gupta, Work Sarkar -I has requested for his posting at a place other then or similar to his present place but the same was not acceded to within the jurisdiction of your Division owing to administrative exigencies and requirement of works.

In this connection this is to inform you that his transfer application alongwith others which was forwarded to the Director, RMCD, CWC, New Delhi during Dec. 2002 have not been considered and all the applications were received back from RMCD.

However keeping in mind the present circumstances of the above case it is informed that Shri B. L. P. Gupta, Work Sarkar -I can be ~~considered for transfer under NEID-II, CWC, Aizawl for the proposed S&I work of Twlang Project which is likely to be entrusted to NEID-II, CWC, Aizawl within 2-3 months.~~

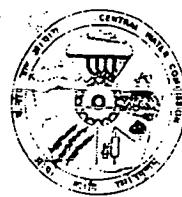
If Shri B. L. P. Gupta, Work Sarkar-I is interested for his transfer to the above proposed Project under NEID-II in future then this office may please be informed accordingly for initiating further action in the matter.



*RP*  
(C. P. Singh)  
Sup. Engg.



भारत सरकार  
 Government of India  
 केंद्रीय जल अधिकारी  
 Central Water Commission  
 मुख्य अभियन्ता कार्यालय  
 Office of the Chief Engineer  
 ब्रह्मपुत्र एवं बराक बेसिन संगठन  
 Brahmaputra & Barak Basin  
 Organization



No.2(4)/2006-BBB / 34/2-27  
 OFFICE ORDER

Dated : 29, 8, 2006

Kundil Investigation Sub-Division, Champakhowa under the administrative control of North Eastern Investigation Division No.III, CWC, Itanagar has been functioning at Chapakhowa for the Survey & Investigation works of Kundil Irrigation Project.

Damodar Valley Corporation has now entrusted the deposit work of Survey & Investigation and Preparation of DPR of Balpahari Project(Jharkhand) to CWC vide letter no. CE-17/412/1281 dated July 5<sup>th</sup>, 2006.

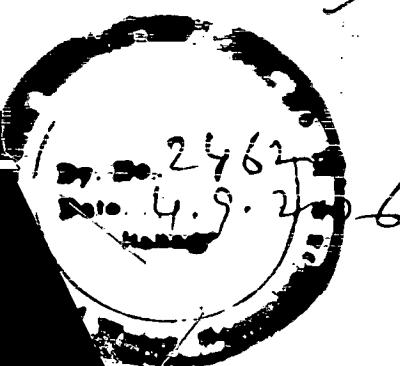
Since the field works of Kundil Irrigation Projects are likely to be completed shortly, it is proposed by Superintending Engineer, NEIC vide his letter no. NEIC/ DB/ W-213/ 1386 dated 18.8.2006 to shift the Kundil Investigation Sub-Division, Champakhowa to Maithon in Jharkhand for undertaking the work of Survey & Investigation and preparation of DPR for Balpahari Dam Project in the Giridih/ Dhanbad District of Jharkhand.

In exercise of the powers available to him vide CWC office order No.4/ 3/ 86-O&M&WS dated 06.05.1987(published in the powers available to CWC Officers vide publication No 41/88), approval of the Chief Engineer(B&BBO), CWC, Shillong, on behalf of the Chairman, CWC, CWC, New Delhi, is hereby conveyed for shifting of the headquarters of Kundil Investigation Sub-Division from Champakhowa (Dist.Tinsukia, Assam) to Maithon (Dist.Dhanbad, Jharkhand) and rechristened as Balpahari Investigation Sub-Division, CWC, Maithon for undertaking the work of Survey & Investigation and preparation of DPR for Balpahari Dam Project in the Giridih/ Dhanbad District of Jharkhand, deposit work entrusted to CWC by Damodar Valley Corporation, Maithon on or after receipt of 1st installment from DVC.

*28/8/06*  
 (V.K.CHAWLA)  
 SUPERINTENDING ENGINEER (C)

Copy to:

1. PPS to Chairman, CWC, New Delhi
2. PPS to Member(RM), CWC, New Delhi
3. Secretary, CWC, New Delhi
4. Director (Admn), CWC, New Delhi
5. Director (Estt.), CWC, New Delhi
6. Pay & Accounts Officer, CWC, New Delhi
7. Accounts Officer(Budget section), CWC, New Delhi
8. Under Secretary/estt. V/ IV/ VIII, CWC, New Delhi
9. Section Officer(R&I), CWC, New Delhi
10. Superintending Engineer, NEIC, CWC, Shillong
11. Executive Engineer, NEID-III, CWC, Itanagar
12. Assistant Engineer, Kundil Investigation Sub-Division, Champakhowa
13. Office Order File



N.C. 1-6/86-Estt. XII  
Government of India  
Central Water Commission.

310 Sewa Bhawan R.K. Puram,  
New Delhi-110066.  
Dated the 24th April, 1988.

To

1. All field Chief Engineers,  
Central Water Commission.
2. All Superintending Engineers,  
Central Water Commission.

Subject: Revised Cadre Structure and recruitment  
rules for W/C Staff in C.W.C.

Sir,

In December, 1985 a Committee consisting of field Chief Engineers, Director, PCP Directorate, Superintending Engineer, Investigation Circle No. I and Under Secretary(TS) as constituted to review the cadre and service conditions of W/C employees in Central Water Commission. The Committee submitted its report in October, 1986. The report has since been considered by the Commission and the following decisions have been taken:-

#### Terms and conditions of Service

- 1.1 The Central Public Works Department (CPWD) are having a large work-charged establishment and have from time to time been formulating rules and regulations governing the service conditions of the W/C Establishment which are compiled in CPWD Manual, Volume III (1984). From inception, the erstwhile C.W.C has been following by and large those rules and regulations for its workcharged establishment.
- 1.2 The terms and conditions of service as contained in CPWD Manual Vol. III, being followed in respect of C.W.C W/C Staff basically remain unaltered. Some salient features of these are reproduced below for ready information.
- 1.3 W/C Establishment is comparable to the regular establishment for certain matters, but has not been classified into group 'C' or group 'D' in CPWD. However, according to para 1.04 of the CPWD Manual Vol. III, for the purpose of allowances,

medical examination, etc. the posts, the maximum of whose scale of pay does not exceed Rs. 220/- (pre-revised) are treated as equivalent to Group 'D' and others as equivalent to Group 'C'.

1.3 Para 1.0 of the CPWD Manual further provides as under:-

"The F.R.s and S.R.s are also applicable to the workcharged Staff. Ministry of Law has opined that workcharged employees in the CPWD are Civil Servants in terms of Article 311 of the Constitution."

1.4 Para 8.01 of the CPWD Manual further stipulates as under:-

"Central Civil Service (Temporary Services) Rules 1965 are applicable to such of the temporary workcharged employees as have opted for pension benefits. Temporary Workcharged employees of this category:-

- (i) Shall be declared quasi-permanent under the aforesaid rules.
- (ii) Shall continue to get compensation, where payable under the Workmen's Compensation Act, 1923 in addition to the gratuity admissible under the aforesaid rules.
- (iii) Shall also be allowed benefits of Retrenchment compensation, if any, under the Industrial Disputes Act, 1947.
- (iv) Workcharged staff of the CPWD opting for pensionary benefits may be declared quasi-permanent either from 1.1.76 or from the date of completion of 3 years continuous service which ever is later."

1.5 Para 24.01 of the CPWD Manual Vol. III further provides as under:-

"Retrenchment compensation in accordance with the provisions of section 25(1) of the Industrial Disputes Act, 1947 is payable whenever a workcharged employee is retrenched from service. Compensation under the Workmen's Compensation Act, 1923, as amended from time to time to a workcharged employee, covered by the definition of workmen, as given in the act, is also payable under the conditions laid down in that act."

- 3 -

P. Compensation under workmen's Compensation Act.

Most of the states have added a new entry (xxxiii) under:- Schedule-II of Workmen's Compensation Act, which reads as

"employed other-wise than in a clerical capacity in the conduct of surveys in river valley including collection data relating to the river". This covers W/C employees of

3. Overtime Allowance.

Overtime allowances as admissible to other regular staff in our field offices will be applicable to the W/C Staff also, in cases where they have to work over and above the normal working hours depending upon the contingency of Govt. work.

4. Seniority.

Seniority of all W/C Staff of various categories will be maintained Circle-wise, as already indicated vide CWC letter No. 1-6/86-Estt.XII(ii), dated 18-8-87. However, in the case of P & I Organization, Seniority of drivers, and drilling staff will be maintained for P&I Organization as a whole, as already informed vide CWC letter No. 1-6/86-E. III(ii) dated 18.8.87.

5. Transfer.

QWD Manual Para 11.01 (iii) stipulates that no transfer of an employee on his own request shall be made except in very special circumstances with the approval of the Director General of Works and against his consent in the Direct Recruitment Quota in the new unit. The employee will not be given benefit of past service in the new unit for the purpose of seniority. He will, however, count his past service for pensionary or terminal benefits, carry forward of leave etc.

In CWC, such requests for transfer within the Circle will be decided by the Superintending Engineer in charge of the Circle, in the case of inter-circle transfer and within the Organization of a Field Chief Engineer by the Cd. of Engineer. Other requests for transfer are to be processed by Superintending Engineers in accordance with C.W.C. Circular No. 1/1/85-Bett. (Vol.III) dated 3-12-86.

6. Pensionary Benefit

According to the Ministry of Personnel, Public Grievances & Pensions O.M. No. 4/1/87-PIC-II dated 1st. 1987, all C.P.F beneficiaries, who were in service on 1.1.1987, should be deemed to have come over to the pension scheme and from that date unless they specifically opt out to continue under the C.P.F Scheme.

7. Revised Categories of W/C Establishment

There at present 64 categories of W/C Staff. The are hardly amenable to a properly graded hierarchy of promotions to meet the aspirations of W/C Staff. In order to rationalise the structure and to provide promotional avenues to W/C Staff, it has been decided to regroup the 64 W/C categories under various broad groups based on skills as per Annexure II & III of the Committee Report (C.P.P. 1986). This will reduce the number of W/C categories to about 20. The existing personnel may be fitted in new categories. Pay-scales applicable to new categories on the basis of Government decision on the recommendations of 4th Pay Commission are also indicated in Annexure III.

8. Recruitment Rules

Fresh guidelines for recruitment have also been framed for the revised cadre structure and the same are enclosed. These may be followed in making fresh appointments in the new cadre structure as also for promotions.

9. Liveries

Liveries i.e. Uniforms to W/C Staff may be supplied per orders contained in C.W.C letter No: 1/35/85-Estt. XII dated 22.5.87. Modalities of purchasing cloth/rates etc. may be observed as per orders issued by the Department of Personnel Handbook of Uniforms for Class III/IV from time to time.

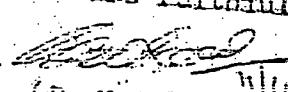
10. Working Hours and Holidays

Existing 48 working hours per week and ~~holidays~~ as contained in C.W.D Manual Vol. III will continue. They shall not be eligible to observe second Saturday & Restricted holidays.

The receipt of this may please be acknowledged.

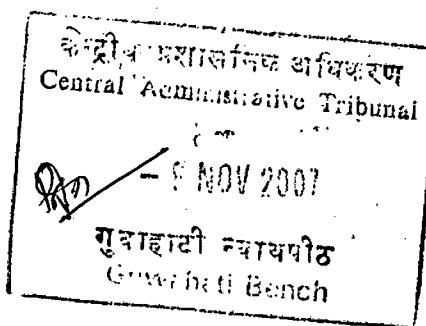
Enclos: As above.

Yours faithfully,

  
(D. Krishna)  
Under Secretary (T.S.)  
Central Water Commission.

WORK-CHARGED ESTABLISHMENT : RECRUITMENT RULES.

1. Name of post Work Sarker Gr.I
2. Classification Unclassified/Highly Skilled
3. Scale of pay Rs. 1320-30-1560 EB 40-2040
4. Whether selection or Non-selection posts. Selection
5. Age limit for direct recruitment.
6. Educational qualification Matric or Equivalent and experience required.
- Method of recruitment 100% promotion by Selection.
7. Whether by promotion or by direct recruitment.
8. In case of recruitment by promotion grade from which promotion to be made. Promotion from grade of Worksarkar Gr.II with 10 years of service in the grade.
9. Composition of Selection Committee/Departmental Promotion Committee. S. F. Chairman  
E. E. Member  
E. E. Member
10. Duties To carry out :
  1. To assist officer-in-charge in supervision of work.
  2. Any duty assigned by the Officer-in-Charge.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Piled by -  
BLP Gupta  
Date: Rabul Day  
8.11.07

O.A. 39/2007

BLP Gupta

.....*Applicant*

-Vs-

Union of India & others.

.....*Respondents*

In the matter of :-

A rejoinder by the applicant against  
the W.S. filed by the respondents.

I, Sri Bhagawan Lal Prasad Gupta, Work Sarkar, Grade-I, working at Jung, Arunachal Pradesh, under CWC, the applicant in the OA 39/2007 do hereby solemnly affirm and state as follows:-

- 1) That a copy of the written statements filed by respondents has been served on me through my counsel and I have gone through the same, understood the contents therein.
- 2) That I deny the correctness and legality of the statements in the W.S. and I filed this rejoinder.
- 3) That at the outset, the deponent begs to draw the attention of the Hon'ble Tribunal to the additional affidavit filed by the applicant wherefrom it will be evident that the

*Contd.....*

respondents have treated the applicant on their own whims and in order to punish him for his non-cooperation in the misdeeds committed by the respondent No.3.

4) That with regard to the statements made in paragraph 2 of the W.S., the deponent states that he has filed the O.A. for implementation of the order dated 14-10-2006 whereby he along with 14 others were transferred to Balpahari Investigation Sub-Division, Maithan. The order is quoted below.

"In pursuance to Chief Engineer, Brahmaputra and Barak Basin Organisation, CWC, Shillong Office order No.2(4)/2006-BBB/342-27 Dt. 29-03-2006 vide which approval for shifting of the HQR. Of Kundil Investigation Sub-Division, CWC, from Chapakhowa, Dist.-Tinsukia (Assam) to Maithan, Dist.-Dhanbad, Jharkhand and renamed as Balpahari Investigation Sub-Division for undertaking the works of survey and investigation of Balpahari Dam Project was conveyed, the following W/C staff working under North Eastern Investigation Division-3, Itanagar, are hereby transferred to Balpahari Dam Project under Balpahari Investigation Sub-Division, Maithan with immediate effect in public interest".

The deponent denies the contention in the instant para that he did not apply for his transfer to Maithan in response to SE/NEIC, Shillong Office order dated 09-08-2006. The applicant has been pressing for his transfer since 1987 and the last application was dtd. 14-07-2004.

*A copy of the application is annexed herewith and marked as Annexure-I.*

Similar applications for transfer were forwarded by the respondent No.3 on 04-12-1998 and 07-04-2004.

*Copies of such forwarding letters are annexed herewith and marked as Annexure-II & III respectively.*

5) That the deponent further begs to state that the plea advance by the respondent that 15 persons were transferred to Balpahari Investigation Sub-Division on their application for such transfer, Nowhere in the order dated 14-10-2006 it has been mentioned as such and it has also not been stated that the applicant's transfer was cancelled for non submission of application. It is an after thought of the respondent. The deponent craves indulgence of the Hon'ble Tribunal to call for the entire records relating to the transfer of the work charge staff to Balpahari Investigation Sub-Division. So for release of the applicant is concerned, the deponent states that his transfer to Yusum village, GDS site, the order dated 29-01-2007 was issued at Itanagar by the respondent No.4, which was served on the applicant at about 6.30 P.M. on 31-01-2007 and it was stated that the applicant was relieved from duties w.e.f. 01-02-2007 leaving no scope for any representation before the authority. The action therefore was intentional in order to prevent the applicant from raising any objection to his transfer. Now the respondent No.4 is harping on the same string that the applicant did not make any representation.

*Contd.....*

4

6) That with regard to the statements made in paragraph 8 of the W.S., the deponent states and contends that many things have been said to justify the cancellation of the transfer order dated 14-10-2006, but nothing plausible reason has been attributed as to why out of 15 staff transferred, the applicant was pulled out and his transfer order was cancelled. Not only that, ~~immediately~~ after the cancellation of the transfer of the applicant made vide order dated 14-10-2006, he was re-transferred to GDS site at Yusum village. Now the respondent No.4 has pleaded that the applicant having released on 01-02-2007, the order passed by the Hon'ble Tribunal on 14-02-2007 was on misrepresentation of the fact by the applicant which is absolutely incorrect. The order dated 14-02-2007 does not indicate that there was any misrepresentation of fact with regard to the release of the applicant. The Hon'ble Tribunal was prima facie satisfied and has allowed the applicant to work at Jung, wherefrom he was transferred. The Hon'ble Tribunal has not stated anything in the order about the transfer of the applicant to Yusum village. The action of the respondent No.4 is malafide, motivated and with the sole objective of sending the applicant to place where there is no work for the post, the applicant is holding. The Hon'ble Tribunal is required to see the virus.

7) That with regard to the statements made in paragraph 10 of the W.S., the deponent states that he was stunt on receiving the cancellation order as because he was singled

out from the batch of 15 staff. There was no reason whatsoever and now the respondent No.4 is blowing hot and cold. It is absolutely ~~and~~ baseless to say that the applicant has filed the O.A. to avoid joining at Yusum village. Even assuming but not admitting , there was a transfer order to Yusum village issued on 29-01-2007 by the respondent No.4 at Itanagar. How could that order be served on the applicant at his residence after the office hours which also contains the release order. The action of the respondent No.4 is pre-designed and motivated to compel the applicant to move on transfer to Yusum village. There was no time allowed for joining.

- 8) That with regard to the statements made in para 11 of the W.S. the deponent reiterates his contention made in para 6 (XIV) of the O.A.
- 9) That with regard to the statements made in para 12 of the W.S. the deponent asserts that his transfer to Yusum village after cancellation of the transfer to BISD is a punishment transfer. The respondents are harassing the applicant in many ways and the present transfer is also an example of such harassment. The applicant craves indulgence of the Hon'ble Tribunal to annex some documents which will illustrate such ~~all~~ action of the respondent towards the applicant. The guidelines referred to by the applicant still hold the field.

*Copies of such documents are annexed  
hereto and marked Annexure I and II respectively.*

- 10) That with regard to the statements made in para 14 of the W.S., the deponent states that the applicant has been sent

to relieve Sri A.N. Pandey, a W/C Khalasi. The applicant is in the dark as to what works were allotted to Sri Pandey, a w/c Khalasi. The applicant simply understands that the post of Work Sarkar, Grade-I and the post of Work Charge Khalasi are different and the two cannot be intermingled.

- 11) That with regard to the statements made in para 15 of the W.S., the deponent asserts that he has not hidden any fact/facts before the Hon'ble Tribunal. There are certain rules and procedure with regard to transfer of an employee whosoever he might be. There is no instance that the transfer order can be served beyond the office hours together with the relieve order. The respondent No.4 has stated that the applicant has been sent to relieve Sri A.N. Pandey, w/c khalasi at Yusum village. The respondent No.4 has not stated who has relieve the applicant at Jung. The applicant was released unilaterally.
- 12) That with regard to the statements made in para 16 of the W.S., the deponent states that exhausting departmental remedies is a matter for consideration by the Hon'ble Tribunal. Even then that itself will not debar the applicant from seeking legal remedies to illegal action of the authority. The applicant protested verbally against the order complained, but there was none to hear him.

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7

VERIFICATION

I, Sri BLP Gupta, the applicant in O.A. 39/2007 do hereby verify that the statements made above in para 1 to 11 are true to my knowledge and belief.

And I sign this verification on this    day of November, 2007 at Guwahati.

*Bhagwan Lal Basumatary Gupta*  
DEPONENT

Ref: 14-07-2004

ANNEX-1

To

The Superintending Engineer,  
 North Eastern Inv. Circle,  
 Central Water Commission,  
 "Jamir Mansion" Nongshilliang  
 Shillong (Meghalaya)

(Through Proper Channel)

Sub: Prayer for transfer of B.L.P.Gupta, Work Sarkar Grade-I, from NISD, CWC, Jang (A.P.) to Jharkhand state or any place in the state of Bihar.

Ref: 1. NO.NEIC/2000/Vol-VII/2003/4390-92 dated 03-12-2004  
 2. NO.NEID-III/Adm-5/1439-41 dated 29-12-2003.

Sir,

With reference to the above, I am placing this prayer of willingness for transfer to Jharkhand state or any place in the state of Bihar, in the Central Water Commission office.

As I have joined in service on 24-07-1973, in the Central Water Commission. Since the joining I have been working in the corners of hilly state's with my posting in the thorny jungles where there are no Road communications. No medical facilities nothing was there for human life but compelled to worked in such of the place's for which my health condition is being very peculiar. Several Doctor's advised on several Occassioned of my illness to avoid my stay in damp & claudy climate due to measure of adverse effect of life. In this connection submitted many prayers for considering my transfer out of hilly weather damp & claudy climate instead of that I have posted in cold weather and snow falls place i.e. in Jang sub-Division (Arunachal Pradesh). As I had/ have worked and working in such of hilly state's like Sikkim, Manipur, Mizoram, Tripura, Nagaland, Assam, Meghalaya and Arunachal Pradesh Only.

Circumstances have to compelled to expressed my compelsions and for which submitting this prayer in proforma as enclosed herewith for your kind perusal and sympathetic consideration of transfer from out of North Eastern Region on humaniterian grounds please.

Yours faithfully,

B.L.P.Gupta  
14-07-2004

(B. L. P. GUPTA)  
 Work Sarkar Grade-I,  
 Gauge & Discharge & Silt Observation site  
 CWC, China Bridge.  
Under

Nyukcharong Chu Inv. Sub-Division,  
 CWC, Jang (Arunachal Pradesh)

PROFORMA FOR EXERCISING OPTION FOR  
TRANSFER FROM NORTH EASTERN REGION  
TO JHARKHAND STATE

Reference:-

NO:NEIC/2000/Vol-VII/2003/4390-92 dated 03-12-2003  
of the Superintending Engineer, NEIC,CWC, Shillong  
(Meghalaya)

NEID-III/Adm-5/1439-41 dated 29-12-2003 of the  
Executive Engineer, North Eastern Inv. Division  
No-III,CWC, Itanagar (Arunachal Pradesh)

1. Name : B.L.P.Gupta.

2. Designation : Work Sarker Grade-I.

3. Date of birth : 06-01-1954.

4. Date of superannuation : 06-01-2014.

5. Date of joining in service in CWC. : 24-07-1973.

6. Whether P.t. Quasi-Pmt. or temporary : Permanent.

7. Declared Home Town : Village:- Chhajan Gonu  
P.O.Chhajan Harishankar.  
Via:- TURKI  
Distt: Muzaffarpur (Bihar)  
Pin Code: 844127.

8. Place of present posting and since when posted : Gauge & Discharge & Silt Observation site, CWC, China Bridge (under Nyukcharong Chu Inv. Sub-Division, CWC, Jang Distt: Tawang (Arunachal Pradesh) NEID-III, CWC, Itanagar (A.P.) since 11-05-2002.

9. Details of previous posting in brief since appointment in Govt. service.

Sl. No.	Post held	Office/Place	Period of stay		Remarks.
			From	To	
1.	Work Sarker Gr-I Lower Lagyp Hydel Project CWC, Ranipul (Sikkim)	L.L.Mech. & Elett. Division, 24-07-73 CWC, Ranipul/ Sikkim	25-07-81		Sikkim
2.	-do-	Tioaimukh Inv. Divn. Inv. site NO-II, CWC, at Tioai- Imphal/ Manipur.	mukh Manipur and Divn. office at Imphal Manipur	20-08-81 30-04-82	N.E. Region

(Contd. on page-2)

3.	Work Samar Gr-I.	Tipaimukh Inv. Divn. No-I, CWC, Silchar	Tipaimukh Inv. site at Tipaimukh Maniour.	11.05.82	21.01.87	N.E. Region
4.	-do-	North Eastern Inv. Divn. No-II, CWC, Aizawl (Mizoram)	Gauge & Discharge site, CWC, Phuibong (Mizoram)	02-02-87	25-12-87	N.E. Region
5.	-do-	-do- And NEID-I CWC, Silchar	Gauge & Discharge site, CWC, Kanhmun (Mizoram)	29-12-87	12.09.89	N.E. Region
6.	-do-	North Eastern Inv. Divn. No-I, CWC, Silchar.	Gauge & Discharge Site, CWC, Dikhu Tamlu (Nagaland)	15-09-89	05-12-91	N.E. Region
7.	-do-	-do-	NEISD-II, CWC, Silchar	07-12-91	25-12-95	N.E. Region
8.	-do-	NEIC, CWC, Shillong (Meghalaya)	NEID-I, CWC, Silchar. but Worked in Circle, office at Shillong.	09-01-96	17-07-97	NE. Region
9.	-do-	MSTLCI SD, CWC, Alipurduar (West Bengal) NEID-II, CWC, Itanagar (A.P.)	Sub-Divn. office at Alipurduar (West Bengal)	07-08-97	20-04-2002	West Bengal
10.	-do-	Nyukcharong Chu. Inv. Sub-Divn. CWC, Jang (under NEID-III, CWC, Itanagar (A.P.)	Gauge & Discharge & Silt Obs. Site, CWC, China Bridge	11-05-2002	till Cont- inuing	N.E. Region

10. Opted place for Transfer  
as per choice : 1. Burhi Gandak Sub-Division, CWC,  
Distt: Muzaffarpur (Bihar)  
2. Any office's of CWC, which is located  
in Bihar.  
3. Jharkhand state.

(Contd. on page-3)

(Page-3)

Reason for opting Transfer

1. Poor health due to being the heart patient & Hypertension
2. My wife health condition is being very peculiar due to chronic disease and she suffered from Kidney trouble.
3. As no body to look after to school & College going children, their educational career badly effected for lack of proper care & attention as desired by children.

Place: Gauge & Discharge & Silt Obs. site, CWC, China Bridge.

Date: 14-07-2004

*R. Basu*  
Signature of applicant:

Designation:- Work Sarkar Grade-I.

Present place of posting under which sub-Divn. : GDS, Site, China Bridge  
NISD, CWC, Jang Distt: Tawang (A.P.)

14-07-2004

Government of India  
Central Water Commission,  
North Eastern Inv. Division No-III,  
P.B.NO.144: Itanagar -791111.

ANNEEX-91

NO:NEID-III/Adm-5/Vol-XV/4623-28

dated: 10.10.2002

CIRCULAR

The Superintending Engineer, North Eastern Inv. Circle, CWC, Shillong intimated vide his letter No. NEIC/2053-Casual/2002/4065-67 dated 4/10/2002 that a review of work charged staff strength has been undertaken by CWC.

The Workcharged staff who want to be transferred to other region (i.e. outside the N.E. Region) in CWC may submit through proper channel their applications addressed to Superintending Engineer, NEIC, CWC, Shillong for consideration by 30/10/2002.

Hindi version will follow.

Sd/-

(D.K.TIWARY )  
Executive Engineer

Copy to:-

1. The Asstt. Ex. Engineer, NEIC, CWC, Shillong.
2. The Asstt. Ex. Engineer, NEID-III, CWC, Itanagar.
3. The Asstt. Engineer, MSIL CISD-I, NISD/KISD, CWC, A Alipurduar/Jang/Chapakhwa.
4. Jr. Engineer, (HQ)/DS
5. Accounts Branch, NEID-III, CWC, Itanagar.
6. Notice Board.

To

-13-

The Superintending Engineer,  
North Eastern Env. Circle,  
Central Water Commission,  
Shillong (Meghalaya)

( Through Proper Channel )

Sub: Transfer application of B.L.P.Gupta, Work Sarkar Grade-I.

Ref: 1. NEIC/2053/Casual/2002/4065-67 dated 04.10.2002.  
2. NEID-III/Asm-5/Vol-XV/4623-28 dated 10.10.2002.

Sir,

With reference to the above cited letters, I am willing to go on Transfer to Burhi Gandak Sub-Division, Central Water Commission, Distt. Muzaffarpur (Bihar) or any office's of CWC, which is located in the state of Bihar out of the North Eastern Region.

For which I am submitting this my transfer prayer application in proforma as enclosed for sympathetical consideration on humanitarian grounds please.

Yours faithfully,

*B. L. P. GUPTA* (B. L. P. GUPTA)  
Work Sarkar Grade-I,  
Nyukcharong Chu Inv. Sub Division,  
CWC, Jang,  
Under North Eastern Inv. Division,  
No. III, CWC, Itanagar (A.P.)

-14-

**TRANSFER APPLICATION IN PROFORMA**

1. Name : B.L.P.GUPTA

2. Desi nation : Work Sarkar Grade-I.

3. Date of birth : 06.01.1954.

4. Date of superanuation : 06.01.2014

5. Decl red Home Town : Village: Chhajan Gonu  
P.O.Chhajan Harishanker  
Via: Turki  
Distt: Muzaffarpur (Bihar)

6. Place of present posting and since when posted : Nyuk charong Chu Inv. Sub-Division, CWC, Jang / Gauge & Discharge & Silt Observation site, CWC, China bridge. 11.03.2002.

7. Details of previous posting since appointment in Govt. Service.

Sl. No.	Post held	Office	Division	Period of stay
				From To
1.	Work Sarkar Gr-I, Lower Lagyap Project, CWC, Ranipul (Sikkim)	L.L.Elect & Mech. Divn. CWC, Ranioul (Sikkim)	24.07.1973 25.07.1973	1973
2.	-do-	Tipaimukh Inv. Circle CWC, Shillong	Tipaimukh Inv. Divn. No-II, CWC, Imphal	20.08.1981 30.04.1982.
3.	-do-	-do-	Tipaimukh Inv. Divn. No-I, CWC, Silchar	11.05.1982 29.01.1987
4.	-do-	North Eastern Inv. Circle, CWC, Shillong	North Eastern Inv. Divn. No-II, CWC, Aizawl Mizoram	02.02.1987 29.12.1987.
5.	-do-	NEIC, CWC, Shillong	Skykxkxgax North Eastern Inv. Divn. No-I, CWC, Silchar	31.12.1987 28.25.12.19
6.	-do-	-do-	NEIC, CWC, Shillong	09.01.1996 17.02.1997.
7.	-do-	-do-	North Eastern Inv. Divn. No-III, CWC, Itanagar (A.P.)	07.08.1997 Till continuing.

8. Opted place for Transfer as per choice

1. Burhi Gandak sub-Division, CWC, Distt. Muzaffarpur (Bihar) under Patna Lower Ganga Basin Division CWC, Patna Bihar.
2. Any office's of CWC, which is located in Bihar.
3. Lucknow Division,

9. Reason for opting Transfer

1. For poor health due to being the chronic heart patient
2. My wife suffering from 'Kidney' trouble & other chronic disease.
3. No body to look after to the school going children and their education badly effected due to lack of proper care & attention as desired by children.

Place: C.D.A. Hill  
L.L. Lekhawala  
Date: 16/10/2002

*R.S. P. Sarker* 16/10/2002  
Signature of applicant.  
Designation: Work Sarkar Gr-I.  
Nyukcharong Chu Inv. Sub-Divn.  
CWC, Jang. Under North Eastern  
Inv. Division No-III, CWC,  
Itanagar (A.P.)

The Executive Engineer,  
North Eastern Inv. Division No-III,  
Central Water Commission,  
Itanagar (A.P.)

Sub: Information regarding corruptness of shri H.C. Mishra, Junior Engineer, of Nyukcharong Chu Inv. Sub-Division, C.W.C, Jang, Tawang Distt: of Arunachal Pradesh.

Sir,

With respectfully, it is brought the following few facts before your kind notice for taking necessary action for investigating the matter and taking suitable necessary action to avoid the corruption by other also please.

That sir, Shri H.C.Mishra, Junior Engineer, of N.I.S.D., C.W.C, Jang has claimed/has been claiming his personnel claims and Imprest,C.O.P. absolutely false as he arranging the cash Memo Voucher's from the shop keepers and written the names and rate of the materials by him by his own hand writing which are the illegal and through that way he earning the Govt. Illegal money which are the nature of criss.

That sir, Shri H.C.Mishra, Junior Engineer, has not visited in the site's but he claiming his T.A.bill in every month which are the absolutely falls.

That sir, Shri H.C.Mishra, Junior Engineer, has claimed his T.T.A. bill and luggage charges in his T.T.A.bill as his entitlements is also false, as he has not brought any things here as he came here with one V.I.P, two small bags but he has claimed full entitlements. He has not brought his bedding and kitchen materials, he using cots, Mattress, bed sheets, pillow every things of N.I.S.D, C.W.C, Guest house, he has not brought a single spoon .

That sir, Govt. Gypsy No. AR-01-5197 also badly use by Shri H.C.Mishra, Junior Engineer, in his personnel use and his friends use, running K.M. of the said vehicle filled in Govt. works/duty are absolutely false I will give the authentic proof of mis-utilizing the Govt. vehicle by him .

That sir, Emergency passage concession bill of Shri H.C.Mishra, Junior Engineer, claimed is also false as Shri H.C. Mishra, travelled in sleeper class but perhaps he claimed 1st. class in train fare . Shri Mishra was gone up to Guwahati, by Govt. Gypsy No. 5197 and claiming fare of Tata Sain from Jang to Tezpur and Tezpur to Guwahati may be by Bus these are also false.

That sir, I am very regrettfully, Writting it that how such to write about him ,folding kind of illegal things available but I am sorry to write that. He also played some illegal in the Agara Division of C.W.C, where from he came here as it known from some reliable sources .

(Contd.on Page-2)

(Page 2)

That sir, he also told me severally to arranging some cash memo's voucher's for his I-prest and C.O.P's claiming but on my refusal he becoming very angry and biased on me and for which he taking attitude of harrasment and he also threatening me for my transfer out of the sub-Division, because I am holding the charge of (M.G.S.P, C.W.C, Jang) establishments/Correspondence as he saying that he already convinced to the Executive Engineer, North Eastern Inv. Division No-III, C.W.C, Itanagar (A.P.) many type of threatening got from him.

Yours faithfully,

*B. L. P. GUPTA*

01-10-2005

( B. L. P. GUPTA )

Work Sarker Grade-I

Nyukcharong Chu Inv. Sub-Division, C.W.C.  
Jang Distt: Tawang ( A.P. )

Copy to:-

1. The Chief Engineer, Brahmaputra & Barak Basin, Organization, Central Water Commission, Rebekka Ville, near Barik point, Temple Road, Lower Lachumiere, Shillong:- 793001 (Meghalaya) for kind information and similar necessary action please.
2. The Superintending Engineer, North Eastern Inv. Circle, Central Water Commission, Rebekka Ville, near Barik point, Temple Road, Lower Lachumiere, Shillong:- 793001 (Meghalaya) for kind information and similar necessary action please.
3. The Chief Engineer, H.M.B. Central Water Commission, Sova Bhawan, R.K.Puram, New Delhi, for kind information and similar necessary action please.
4. The Secretary/Vigilance Officer, Central Water Commission, Sova Bhawan, R.K.Puram, New Delhi for kind information and necessary action please. as similar.
5. The Pay & Accounts Officer, Central Water Commission, Sova Bhawan, R.K.Puram, New Delhi, for kind information and similar necessary action please.

*B. L. P. GUPTA*

01-10-2005

( B. L. P. GUPTA )

Work Sarker Grade-I

Nyukcharong Chu Inv. Sub-Division, C.W.C.  
Jang Distt: Tawang ( A.P. )  
Pin:- 793005

NEID-II /WC/PF- 6061-62

Date 4-12-98

To,

The Superintending Engineer,  
North Eastern Inv. Circle,  
Central Water Commission,  
Shillong-14 (Meghalaya).

Sub : Forwarding of representation of Sh. E.L.P Gupta  
W/S Gr.I

.....  
Sir,

The representation dated 30.10.98 submitted by  
Shri E.L.P. Gupta, W/S.Gr.I presently working in MSTLCISD-I  
CWC, Alipurduar which is self explanatory is sent herewith  
alongwith copy meant for Chairman CWC, New Delhi and Secretary,  
Ministry of Water Resources, New Delhi for further necessary  
action.

Yours faithfully,

( A.G. Majumdar )  
Executive Engineer

(A.G. Majumdar )  
Executive Engineer

Day No. 110  
Date 18/12/98  
File No. E-77  
Encl : 1 above.

Copy to the Asstt.Engineer, MSTLCISD-I, CWC, Alipurduar  
as letter No. MSTLCISD-I/E-II/98/379 dt. 30.10.98.



भारत सरकार  
GOVERNMENT OF INDIA  
केन्द्रीय जल आयोग  
CENTRAL WATER COMMISSION  
उत्तर पूर्वी अन्वेषण मण्डल-III  
N E INVESTIGATION DIVISION-III

-19-



क्र.एन.ई.आई.डी.-III/पी.एफ.-138/ 1423-26

दिनांक 7/4/04

प्रति,  
अधीक्षण अभियन्ता,  
उत्तर पूर्वी अन्वेषण वृत्त,  
केन्द्रीय जल आयोग,  
जमीर मैदान, नांगशिलियांग,  
शिलांग-793014 (मेघालय)

विषय : स्थानांतरण हेतु आवेदन पत्र।

महोदय,

इस कार्यालय के पत्र सं. उ.पू.आ.म-3/एडीएम-5/475-77 दिनांक 10.02.2004 के तारतम्य में श्री.बी.एल.पी.गुप्ता, वर्क सरकार घेर-1 जो वर्तमान में व्युक्तचारांग अन्वेषण उप-मण्डल, जंग में कार्यरत है का दिनांक 25.2.2004 का आवेदन पत्र आगे की आवश्यक कार्रवाई हेतु इसके साथ संलग्न किया जाता है।

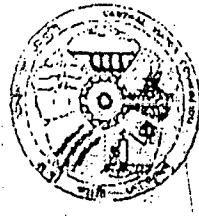
भवदीय,

संलग्न :- यथोक्त

(धीरेन्द्र कुमार तिवारी)  
अधिशासी अभियन्ता

प्रतिलिपि :-

1. सहायक अभियन्ता, व्युक्तचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग।
2. ए.डी.एम.-5/खण्ड-16
3. श्री बी.एल.पी.गुप्ता, वर्क सरकार घेर-1, व्युक्तचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग (द्वारा सहायक अभियन्ता, व्युक्तचारांग अन्वेषण उप-मण्डल, केन्द्रीय जल आयोग, जंग)



No. NEIC/2009/Vol.VI/2004// 58-59  
Government of India  
Central Water Commission  
North Eastern Inv. Circle  
"Jamir Mansion" Nongshilliang,  
Shillong- 793014.

To,

The Under Secretary (Estt.XII)  
Central Water Commission  
Room No.312,  
Sewa Bhawan, K.K. Puram  
New Delhi-66.

Sub :- Inter-Circle transfer of W/C staff.  
Sir,

Enclosed please find herewith the transfer application of the following Work Charged officials working under this Circle for inter-circle transfer for favour of your information and necessary action, please.

S/No.	Name & Designation	Present place of posting	Name of the office/place requested for transfer.
01.	Sh. M. C. Francis, W/S-I	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	Any site under C&SR Circle CWC, Coimbatore.
02.	Sh. Jagdish Singh, Kh.	GDS Observation Site, CWC, Murga Bridge under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Dehradun, Varanasi.
03.	Sh. N. P. Singh, Kh.	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Patna.
04.	Sh. T. N. Singh, Kh.	NISD, CWC, Jang, under NEID-III, CWC, Itanagar. (A.P)	HOC, CWC, Patna.
05.	Sh. M. M. Patel, Kh.	MSTLCI Sub-Divn., CWC, Alipurduar (W.B) under NEID-III, CWC, Itanagar. (A.P)	i) Mahanadi Divn. CWC, Burla, (Orissa), ii) Wain Ganga Divn. CWC, Nagpur.

Encl : As above.

EC-II  
3/3/04  
14/11

Yours faithfully

(C. P. Singh) 3/3/04  
Superintending Engineer

Copy to : The Executive Engineer NEID-III, CWC, Itanagar with reference to his letter No. NEID-III/Adm-5/Vol V/4226-29 dated 07.11.2003 & even No. 1460-61 dated 29.11.2003.

Copy to : The Executive Engineer NEID-III, CWC, Itanagar with reference to his letter No. NEID-III/Adm-5/Vol V/4226-29 dated 07.11.2003 & even No. 1460-61 dated 29.11.2003.

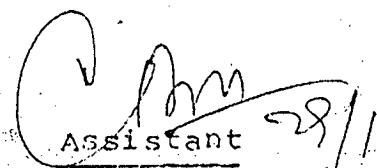
Govt. of India  
NEID-III, CWC, Itanagar.

NO. NEID-III/Adm-5/ 301

Date 30.1.2004

Copy forwarded for Information to :-

1. The Asstt. Engineer, NISD/MSTLCISD-I/CWC, Jang/Alipurduar.

  
Assistant 28/1

Final version