

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. O.A. 145/2007

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... O.A Pg...../..... to X.....
2. Judgment/Order dtd. 12.6.2007 Pg. 1..... to 3..... 2007
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 145/2007 Pg. 1..... to 6..... 2007
5. E.P/M.P..... Pg..... to .....
6. R.A/C.P..... Pg..... to .....
7. W.S..... Pg..... to .....
8. Rejoinder..... Pg..... to .....
9. Reply..... Pg..... to .....
10. Any other Papers..... Pg..... to .....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Shakti  
04.10.17

GENERAL ADMINISTRATIVE ORDER  
COMMITTEE LIAISON

ORDER SHEET

1. Original Application No. 148/2007

2. Misc Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(s) B. Kumaraswamy vs. Union of India & Ors

Advocate for the Applicant(s) Mr. Adil Ahmed, Ms. S. Bhattacharya

Advocate for the Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPC/BD No. .... 34G/652640 Dated ..... 28-5-07	12.6.07.	Judgment delivered in open Court. Kept in separate sheets. Application is dispose of. No costs.

Mr. Registrar

Vice-Chairman

18/6/07

3

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(O.A. No. 148 of 2007)

DATE OF DECISION: 12.06.2007.

Shri B. Kumar and other

APPLICANT/S

Mr. A. Ahmed

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

CORAM

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

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches?
4. Whether their Lordships wish to see the fair copy of the Judgment?

Judgment delivered by Hon'ble Vice-Chairman

(B/6/7)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.148 of 2007

Date of Order: This the 12<sup>th</sup> Day of June, 2007

**HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN**

1. Shri Bhamesh Kumar  
Son of Late Ratan Lal  
Assistant Engineer(E)  
ACESD-I, Central Public Works  
Department, GPRA Complex,  
Gandhi Gram,  
Agartala (Tripura)
2. Shri Ragkesh Kumar  
Son of Shri J.R. Sharma  
Assistant Engineer(Electrical)  
Manipur Central Electrical Sub Division,  
Group Centre CRPF Langjing  
Imphal, Manipur

Applicants.

By Advocate Mr. A. Ahmed

- Versus-

1. The Union of India represented by the  
Secretary to the Government of India,  
Ministry of Urban Affairs,  
Nirman Bhawan, New Delhi-110011.
2. The Director General Works  
Central Public Works Department,  
118-A, Nirman Bhawan,  
New Delhi-110011.
3. The Superintending Engineer  
(Co-ordination Circle) Eastern Region,  
Central Public Works Department 234/4  
Acharya J.C.Bose Road, Nizam Palace,  
(2<sup>nd</sup> MSO Building 17<sup>th</sup> Floor)  
Kolkata-20
4. The Superintending Engineer(Electrical)  
Guwahati Central Electrical Circle  
Central Public Works Department  
Bamukimaidan, Guwahati-121  
Assam

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

Respondents.

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

**ORDER (ORAL)**

**K.V.SACHIDANANDAN**

The applicants are working in the North Eastern Region as Assistant Engineer, C.P.W.D. under the Respondent No.5, the Executive Engineer (Electrical) Silchar, Central Electrical Division. Both of them are transferred from North Eastern Region to Northern Region vide order dated 23.11.2006 and they were to be relieved in May, 2007. Similarly situated persons were also transferred in the same order to Northern Region by the respondent No.2. Those persons were also been released vide order dated 31.5.2007. Subsequently another transfer order were issued to other similarly situated persons vide order dated 5.4.2007. They were also been released. However, the instant applicants were not released. Being aggrieved the applicants have approached this Tribunal for seeking reliefs.

2. I have heard Mr. A. Ahmed, learned counsel for the applicant and Mr.M.U.Ahmed learned Addl.C.G.S.C. for the Respondents. When the matter came up for hearing the learned counsel for the applicant has pointed out the Annexure- B transfer order. In the said order the Sl. No. 2 & 4 has already been released by the Respondents on 31.5.2007. The instant applicants have also granted advance T.T.A vide office order dated 09.05.2007 by the Respondent No.5,i.e. Executive Engineer (Electrical) Silchar, Central

Electrical Division, Silchar. The applicants have filed representations before the respondents for early release as per transfer order dated 23.11.2006. But the respondents has not taken any action or response. Counsel for the applicant has submitted that he will be satisfied if direction is given to the applicants to make a individual comprehensive representation before the respondents No.4 & 5 directing the respondents to consider and to dispose of the representations within the time frame. The counsel for the respondents has submitted that he has no objection if such direction is given. In the interest of justice this Court directs the applicants to make a comprehensive individual representations before the respondents No.4 & 5 within 10 days from the date of receipt of this order and on receipt of such representations by the respondent Nos. 4 & 5 or any other competent authority shall consider and to dispose of the same with a speaking order within one month in the light of the observations made by this Court.

O.A. is disposed of accordingly. There will be no order as to costs.



(K.V.SACHIDANANDAN)  
VICE-CHAIRMAN

LM

11 JUN 2007

गुवाहाटी न्यायपीठ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI-BENCH, GUWAHATI.**

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

**ORIGINAL APPLICATION NO. 148 OF 2007.**

Shri Bhamesh Kumar & another

...Applicants

- Versus -

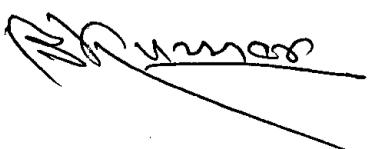
The Union of India & Others

...Respondents

**SYNOPSIS:**

That the Applicants are working in the North Eastern Region as Assistant Engineer (Electrical) under the Respondent No.5. Both of them are transferred from North Eastern Region to Northern Region vide office order No.242 of 2006 dated 23<sup>rd</sup> November 2006 and they were supposed to be relieved in May 2007. It is to be stated that the aforesaid transfer was made by the Respondents on the request of the Applicants as they have completed their tenure in North Eastern Region. The other similarly situated persons who were also transferred from North Eastern Region to Northern Region in the same transfer order were released by the Respondents. Moreover, other similarly situated persons who were working in the North Eastern Region were also transferred after the issuance of the transfer order of the Applicants and subsequently released by the Respondents without considering case of the instant Applicants. The Applicants also filed various Representations before the Respondents for their early release since January 2007. However, the Respondents have not yet released the Applicants from North Eastern Region to enable them to join at their respective place of posting in Northern Region. Being aggrieved by the action of the Respondents the Applicants have filed this Original Application for seeking a direction from this Hon'ble Tribunal to the Respondents to release the Applicants from their respective place of posting immediately as per office order No.242 of 2006 dated 23<sup>rd</sup> November 2006.

Hence this Original Application for seeking justice in this matter.



11 JUN 2007

गुवाहाटी न्यायालय  
Guwahati Bench

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

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

**ORIGINAL APPLICATION NO. 148 OF 2007.**

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...Respondents

**INDEX**

Sl. No.	Annexure	Particulars	Page No.
1	...	Application	1 to 11
2	...	Verification	12
3	A	Photocopy of the Representation filed by the Applicant No.1 on 07.07.2006 before the Respondent No.2.	13-14
4	A1	Photocopy of the Representation filed by the Applicant No.2 on 15.07.2006 before the Respondent No.2.	15-16
5	B	Photocopy of the office order No.28/3/2006/EC-III dated 23 <sup>rd</sup> November 2006 issued by the Respondent No.2.	17-18
6	C	Photocopy of the Representation filed by the Applicant No.1 on 03.01.2007 before the Respondent No.5.	19
7	C1	Photocopy of the Representation filed by the Applicant No.2 on 15.01.2007 before the Respondent No.5.	20
8	D	Photocopy of the Remainder submitted by the Applicant No.1 on 17.03.2007 before the Respondent No.5.	21-25
9	E & E1	Photocopy of the office order No.8 (10)/SCED/2007/174 dated 09.05.07 and office order No.8 (10)/SCED/2007/173 dated 09.05.07 issued by the Respondent No.5.	26 to 27
10	F	Photocopy of the 2nd Remainder submitted before Respondent No.4 on 11.05.2007 by the Applicant No.1.	28
11	G	Photocopy of the Representation dated 25.05.2007.	29
12	H	Photocopy of the office Memo No.21 (3)/GED-II/2007/785 dated 31.05.2007.	30
13	I	Photocopy of the office order No.8(2)/TZCED/2007/458 dated 31.05.2007.	31
14	J	Photocopy of the office order No.8(2)/GCEC/E-I/07/1060 dated 06.06.2007.	32
15	K	Photocopy of the officer order No.21(2)/CED-I/E-I/07-08/710 dated 07.06.2007.	33

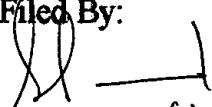
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16	L	Typed copy of the Relevant portion of the office order No.17 of 2007/SE(Coord) ER.	34-36
17	M	Photocopy of Judgment & Order dated 27 <sup>th</sup> March 2002 in O.A.No.412 of 2001 and O.A.No.431 of 2001.	37-40

Date:

Filed By:

  
Advocate (Adv. AHMRE)



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

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

**ORIGINAL APPLICATION NO. 148 OF 2007.**

## BETWEEN

1. Shri Bhamesh Kumar  
Son of Late Ratan Lal  
Assistant Engineer (E),  
ACESD-I, Central Public Works  
Department, GPRA Complex,  
Gandhi Gram,  
Agartala (Tripura)
2. Shri Rakesh Kumar  
Son of Shri J. R. Sharma  
Assistant Engineer (Electrical)  
Manipur Central Electrical Sub Division,  
Group Centre CRPF Langjing  
Imphal, Manipur.

### ... Applicants

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Urban Affairs, Nirman Bhawan, New Delhi-110011.
2. The Director General Works, Central Public Works Department, 118-A, Nirman Bhawan, New Delhi- 110011.
3. The Superintending Engineer (Co-ordination Circle) Eastern Region, Central Public Works Department 234/4 Acharya J.C.Bose Road, Nizam Palace, (2<sup>nd</sup> MSO Building, 17<sup>th</sup> Floor) Kolkata-20.
4. The Superintending Engineer (Electrical) Guwhati Central Electrical Circle Central Public Works Department Bamunimaidan, Guwahati-21, Assam

**FILED BY** *(Signature)* **TO**  
Shri Bhushan Kumar  
Applicant No. 1  
through **Adv.** *(Signature)* **Adv.**

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

... Respondents

**DETAILS OF THE APPLICATION :-**

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

This application is not made against any specific order but it is made for seeking a direction from this Hon'ble Tribunal directing the Respondents to release the Applicants from North Eastern Region (NER) i.e. from Office of the Executive Engineer (Electrical), Silchar Central Electrical Division, Silchar-2 (NER), to Northern Region (NR) vide office order No.247 of 2006 dated 23.11.2006 issued by the office of the Respondent No.2.

**2) JURISDICTION OF THE TRIBUNAL:**

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

**3) "LIMITATION:**

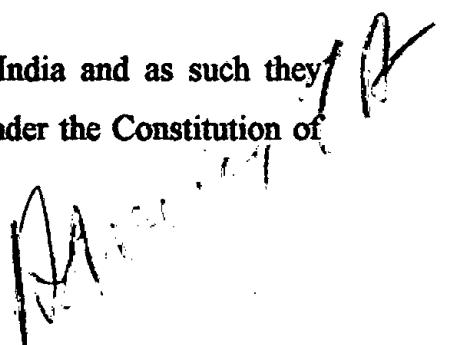
The Applicants further declare that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

**4) FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble Applicants are citizen of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of

Subroto Kumar



India. The Applicant No.1 is now aged about 48 years and the Applicant No.2 is aged about 47 years.

4.2) That your Applicants beg to state that the Applicant No.1 joined in Central Public Works Department as Junior Engineer on 13.03.1981. He was posted as Assistant Engineer (Electrical) on 5<sup>th</sup> May 2005 at Agartala, Tripura under the office of the Executive Engineer (Electrical), Silchar Central Electrical Division, Silchar-2, Assam. The Applicant No.2 joined as Assistant Engineer (Electrical) on 06.05.2007 at Imphal, Manipur under the office of the Executive Engineer (Electrical), Silchar Central Electrical Division, Silchar-2, Assam i.e. the Respondent No.5. Now, both the Applicants are working under the Respondent No.5 in North Eastern Region.

4.3) That your Applicants beg to state that they have got common grievances, common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and the circumstances they intend to prefer this application jointly and accordingly they crave leave of this Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant application redressal to their common grievances.

4.4) That your Applicants beg to state that the Applicant No.1 on 07.07.2006 filed a Representation before the Respondent No.2 for transferring him from North Eastern Region (in short NER) to Northern Region (in short NR). The Applicant No.2 on 15.07.2006 also filed a Representation before the Respondent No.2 for transferring him from North Eastern Region to Northern Region. The office of the Respondent No.2 vide their office order No.242/2006 under No.28/3/2006/EC-III dated 23<sup>rd</sup> November 2006 transferred both the applicants from NER to NR. The Applicant No.2 It is to be stated that in the aforesaid order altogether five persons were transferred from NER to NR and in the said order it was stated that the transferred persons may be released in the month of May

 11/11/08

2007. The Applicant No.1 name appeared in Sl. No.3 and the Applicant No.2 name appeared in Sl. No.5 of the aforesaid order.

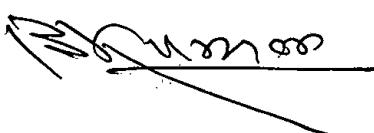
Photocopy of the Representation filed by the Applicant No.1 on 07.07.2006 before the Respondent No.2 is annexed hereunto and marked as ANNEXURE-A.

Photocopy of the Representation filed by the Applicant No.2 on 15.07.2006 before the Respondent No.2 is annexed hereunto and marked as ANNEXURE-A1.

Photocopy of the office order No.28/3/2006/EC-III dated 23<sup>rd</sup> November 2006 issued by the Respondent No.2 is annexed hereunto and marked as ANNEXURE-B.

4.5) That your Applicants beg to state that the Applicant No.1 filed a Representation on 03.01.2007 before the Respondent No.5 for his release from duty by the end of January 2007 keeping in view of his personal difficulties. The Applicant No.1 again filed Remainder on 17.03.2007 before the Respondent No.5 requesting him to release from duty by citing his personal difficulty and marriage of his daughter. The Respondent No.4 vide his office order No.8 (10)/SCED/2007/174 dated 09.05.07 accorded sanction of advance T.T.A. to the Applicant No.1 on account of his transfer to Delhi (i.e. N.R.). The Applicant No.2 also filed Representation on 15.01.2007 before the Respondent No.5 for issuing Release Order. The Respondent No.5 vide his office order No.8(10)/SCED/2007/173 dated 09.05.2007 accorded sanction of advanced TTA to the Applicant No.2 on account of his transfer to Delhi i.e. N.R.

Photocopy of the Representation filed by the Applicant No.1 on 03.01.2007 before the Respondent No.5 is annexed hereunto and marked as ANNEXURE-C.



Photocopy of the Representation filed by the Applicant No.2 on 15.01.2007 before the Respondent No.5 is annexed hereunto and marked as ANNEXURE-C1.

Photocopy of the Remainder submitted by the Applicant No.1 on 17.03.2007 before the Respondent No.5 is annexed hereunto and marked as ANNEXURE-D.

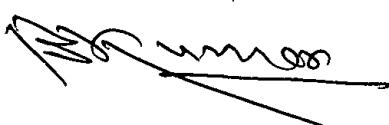
Photocopy of the office order No.8 (10)/SCED/2007/174 dated 09.05.07 and office order No.8 (10)/SCED/2007/173 dated 09.05.07 issued by the Respondent No.5 is annexed hereunto and marked as ANNEXURE-E & E1.

4.6) That your Applicants beg to state that the Applicant No.1 filed IIInd Remainder on 11.05.2007 before the Respondent No.5 and also on 25.05.2007 before the Superintending Engineer (Electrical), Guwahati Central Electrical Circle, Central Public Works Department, Guwahati i.e. Respondent No.4 to relieve him immediately. But till date the Respondents have not relieved him from his duty at NER to enable him to join at NR.

Photocopy of the IIInd Remainder submitted before Respondent No.4 on 11.05.2007 by the Applicant No1. is annexed hereunto and marked as ANNEXURE-F.

Photocopy of the Representation dated 25.05.2007 is annexed hereunto and marked as ANNEXURE-G.

4.7) That your Applicants beg to state that Shri Pankaj Krishak, Assistant Engineer (Electrical) and Shri Vishnu Avtar Gupta, Assistant Engineer (Electrical), who were also transferred along with the Applicants vide office order 242/2006 dated 23<sup>rd</sup> November 2006 has already been released by the Respondents vide office Memo No.21 (3)/GED-II/2007/785 dated 31.05.2007 and vide office order No.8(2)/TZCED/2007/458 dated



31.05.2007. Shri Ram Lakan Gupta, Assistant Engineer, who was also transferred with the Applicants are going to be released on 19<sup>th</sup> June 2007 vide office order No.8(2)/TZCED/2007/465 dated 02.06.2007. Moreover, Shri Rajesh Mohan, Assistant Engineer (P) E and Shri R.P.Aditya, Assistant Engineer (Electrical), who were also transferred on 05.04.2007 vide office order No.17 of 2007/SE(Coord) ER (after issuance of the transfer order of the Applicants) has been released by the Respondents vide office order No.8(2)/GCEC/E-I/07/1060 dated 06.06.2007 and officer order No.21(2)/CED-J/E-I/07-08/710 dated 07.06.2007. It is worth to mention here that in the transfer order dated 05.04.2007 in paragraph I it is stated that "The Officers placed under orders of posting / transfer should immediately proceed to their respective place and send to copies of TR-I from with their names in capital letters to the Senior Officer, ECT-III Section to DG (W) and also to this Office giving reference to these orders. The Officer in charge under whom they are working should ensure that the concerned Officers are relieved immediately without waiting for their substitutes".

As such, finding on other alternative the Applicants are compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Photocopy of the office Memo No.21 (3)/GED-II/2007/785 dated 31.05.2007 is annexed hereunto and marked as ANNEXURE-H.

Photocopy of the office order No.8(2)/TZCED/2007/458 dated 31.05.2007 is annexed hereunto and marked as ANNEXURE-I.

Photocopy of the office order No.8(2)/GCEC/E-I/07/1060 dated 06.06.2007 is annexed hereunto and marked as ANNEXURE-J.

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Photocopy of the officer order No.21(2)/CED-I/E-I/07-08/710 dated 07.06.2007 is annexed hereunto and marked as ANNEXURE-K.

Typed copy of the Relevant portion of the office order No.17 of 2007/SE(Coord) ER is annexed hereunto and marked as ANNEXURE-L.

4.8) That your Applicant begs to state that in a similarly situated case in O.A.No.412 of 2001 and O.A.No.431 of 2001 this Hon'ble Tribunal vide its Judgment & Order dated 27<sup>th</sup> March 2002 held that "Admittedly the transfer order was issued as far back as May 2001. When the transfer orders were passed on 31.5.2001 the respondents were will aware about the situation and the fact that these applicants were working in the North Eastern Region. On the pretext of non-availability of person one is not at liberty not to give effect to its own decision rendered by it. The communication dated 28.9.2001 keeping the matter in abeyance was issued as a purely stop gap arrangement. The said order also cannot dilute the order of transfer-dated 31.5.2001. I do not find any justifiable reason for not giving effect to the transfer order for these two applications. On the pretext of want replacement the authority cannot procrastinate a lawful order. Considering all the aspects of the matter, I do not find any discernible reason for sitting over the matter as regards the posting out of these two applicants on the purported ground of non-availability of substitutes. It was the responsibility of the Respondents to take steps for finding out the surrogate. The inaction on the part of the Respondents in not giving effect to the transfer order in the set of circumstances cannot be legally sustained. The Respondents are directed to take all out effort to give effect to the order of transfer dated 31.05.2001 with utmost expedition and at any rate within a period of two months from the date of receipt of this order, in respect of the Applicants".

Photocopy of Judgment & Order dated 27<sup>th</sup> March 2002 in O.A.No.412 of 2001 and O.A.No.431 of 2001 passed by this Hon'ble Tribunal is annexed hereunto and marked as ANNEXURE-M.

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2007.08

4.9) That your Applicants beg to state that the Respondents have deliberately and intentionally discriminated instant Applicants by not releasing them from NER to NR inspite of office order No.242/2006 dated 23.11.2006. As such it is fit case for giving adequate direction to the Respondents by the Hon'ble Tribunal to release the instant Applicants immediately in compliance of his Transfer Order issued by the office of the Respondent No.2.

4.10) That your Applicants submit that they have got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.

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

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

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

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

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

## 5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

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

5.2) For that, the similarly situated persons who were transferred along with the Applicants have already been released by the Respondents to enable them to join in their respective new place of posting. As such the Respondents cannot discriminate or deny the same benefits to the instant Applicants.

5.3) For that, the similarly situated persons who were transferred after the applicants have been released by the Respondents to enable them to join in their respective new place of posting. Being a model employer the Respondent cannot discriminate the instant Applicants .

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

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

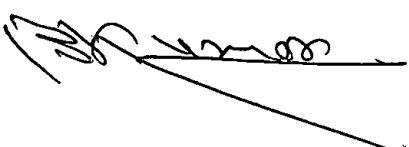
5.6) For that, the action of the Respondents is arbitrary, mala fide and discriminatory with an ill motive.

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

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

**6) DETAILS OF REMEDIES EXHAUSTED:**

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



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

That the Applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition or suit is pending before any of them.

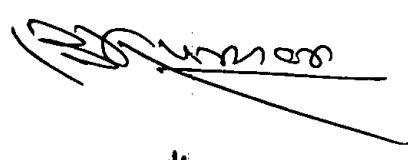
8) **RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the Applicants most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relief (s) sought for by the Applicants may not be granted and after hearing the parties may be pleased to dispose up this application on the admission stage and may be pleased to direct the Respondents to give the following relieves:

8.1) That the Respondents, particularly the Respondent No.4 & 5 may be directed by this Hon'ble Tribunal to release the Applicant immediately from the present place of posting in NER to NR in pursuance of the office order No.242/2006 under No.28/3/2006/EC-III dated 23.11.2006 issued by the office of the Respondent No.2.

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

8.3) To pay the cost of the application.

  
A handwritten signature is written over a horizontal line, with a diagonal line extending from the bottom right corner of the signature area.

**9) INTERIM ORDER PRAYED FOR:**

At this stage the humble Applicants have not prayed for any Interim order by this Hon'ble Tribunal. However, this Hon'ble Tribunal may be pleased to pass any appropriate order / order (s) as your Lordships deem fit and proper.

**10) Application is filed through Advocate.**

**11) Particulars of I.P.O.:**

I.P.O. No. : 346-652640

Date of Issue : 028 05-07

Issued from : G.P.O.

Payable at : Guwahati

**12) LIST OF ENCLOSURES:**

As stated above.

*Verification . . . . .*



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

I, Shri Shri Bhamesh Kumar, Son of Late Ratan Lal, Assistant Engineer (E), ACESD-I, Central Public Works Department, GPRA Complex, Gandhi Gram, Agartala (Tripura) do hereby solemnly verify that I am the Applicant No.1 of the Instant Application and I am authorized by the another Applicant to sign this verification.

1. That the statements made in paragraph nos. ....4:1, 4:2, 4:3.....4:7..... are true to my knowledge, those made in paragraph nos....4:4...To...4:8..... are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 11<sup>th</sup> day of June, 2007 at Guwahati.



**D E C L A R A N T**

22-13  
ANNEXURE-A

To,

The Director General (Works)  
Central Public Works Department  
Nirman Bhawan, New Delhi-110011

(THROUGH PROPER CHANNEL)

SUB:- Request for transfer back to Delhi ,

Respected Sir,

With due regard I would like to state that I was posted as an Assistant Engineer (E) on promotion at AGARTALA (TRIPURA) under Silchar Central Electrical Division, Silchar and have completed 14 month hard area tenure, in highly insurgency prone state of "North-Eastern Region" in difficult and hostile environment of working.

Moreover, It has become difficult for me to work here due to following reasons-

(1) I am lucky to have 77 Years old mother who is at sag end of life and requires my services (as my father was expired in 1993)

(2) I am father of two grown up daughters:-

Elder one is a student of M.B.A. Final Year in AMITY (NOIDA) and has to miss the Guest Lectures (two days a week) as these are held at late evening hours.

Younger one has passed Senior Secondary this year and I have to arrange her admission in Engineering/Medical etc.

I, Therefore request to your honour that I may please be transferred back to "Northern Region" from "North-East Region".

I hereby undertake to forgo my Transfer T.A., Transfer Grant and Personal effects, not only for this time but also for any further Transfer and posting done in future as Assistant Engineer (E) in rest of my service and I am ready to further serve anywhere for the balance period of my tenure if any, at a later date.

Thanking You.

Yours Faithfully

  
(BHAMES KUMAR)  
Assistant Engineer (E)  
ACE SD-I CPWD  
Gandhigram, Agartala

Dated.07.07.06

ATTESTED  
ADVOCATE

- 14 -  
Personal Detail

1. Name and Designation----- BHAMESH KUMAR

2. Date of Appointment in CPWD as JE----- 13<sup>th</sup> March 1981

3. Date of joining as Assistant Engineer (E)----- 5<sup>th</sup> May 2005

4. Date of Birth----- 1<sup>st</sup> Dec 1959

5. Date of retirement----- 30<sup>th</sup> Nov 2019

6. Station where presently posted and Sub-Div.----- Agartala (TRIPURA) under Silchar Central Electrical Division, SILCHAR (ASSAM)

7. Date since when working in present Station----- 5<sup>th</sup> May 2005

8. Previous office/ Region----- NORTHERN REGION

9. Total no. of inter-Regional Transfer since the date of appointment----- ONE

10. Particular of Transfer/ Posting (Inter Regional)----- Not Applicable

11. Ground for Transfer/retention----- As per sheet attached  
(Identity Card Attached)  
(Attach documentary evidence, if any)

12. Area and office where transfer is sought----- DELHI (NORTHERN REGION)

Certified that above information is correct and nothing has been concealed.

Yours Faithfully

  
(BHAMESH KUMAR)  
Assistant Engineer (E)  
ACESD-I/CPWD  
Gandhigram, Agartala

ATTESTED  
ADVOCATE

To

15

ANVILAKUMLA 11  
24

The Director General(W)  
CPWD,A-Wing, Nirman Bhawan,  
New Delhi-110011.

(Through Proper channel)

Subject :-Application for Transfer from Imphal (NEZ) to New Delhi(N.R).

Respected Sir,

With due regard I want to draw your kind attention towards the following points to your kind notice for your sympathetic consideration and favourable action please.

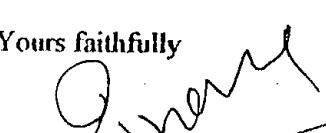
That, I have been posted as AE(Elect) in Manipur Central Electrical Sub-Division-II, (SCED-C.P.W.D) Imphal (Hard Area of NEZ) on promotion from JE(E) to AE(E) through L.D.C.E 2002, since 06-05-05.

At present my old Aged parents are residing with my family in NOIDA. I Being the only son there is no one to look after them other than me. My son is also studying in VIIIth class in NOIDA, who also require regular attention and mental support at this stage. So I beg to kindly consider my request for transfer from Imphal (NEZ) to New Delhi (NR) well within completion of my Hard Area tenure.

Thanking you,

Enclosed:- 1) Prescribed ~~forma~~ forma.

Yours faithfully

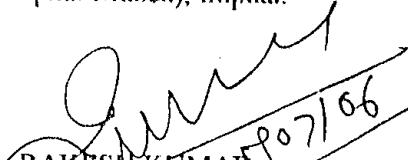
  
(RAKESH KUMAR) 15/07/06  
Assistant Engineer (E)  
MCESD-II, CPWD, GC, CRPF,  
Langjung, Imphal

Copy to:-

1. The ADG (S&P), CPWD, 201-A, Nirman Bhawan, New Delhi-110011.
2. The ADG (ER), CPWD, Nizam palace, 234/4 AJC Bose Road, Kolkata-700020.
3. The ADG (M&M), CPWD, Sewa Bhawan, New Delhi-110066.
4. The Chief Engineer (Elect), EZ, CPWD, Nizam Palace Kolkata.
5. The Chief Engineer (NEZ), CPWD, Dhanketi Shillong, Meghalaya.
6. The S.E (Elect), Bamuni maidan, Guwahati-21.
7. The SE(Co-ordination), ER, C.P.W.D, Nizam Palace-Kolkata-20.
8. The S.E(E), (Co-ordination) N.R, C.P.W.D, East Block-I, Level No-6, R.K Puram, New Delhi-110066
9. The Executive Engineer (E), SCED, CPWD, Silchar-788002.
10. The Secretary, C.P.W.D, Engineer's Association, B-Wing Ground floor I.P Bhawan, I.P Estate, New Delhi-02.
11. The Zonal Secretary, CPWD Engineer's Association (EZ), Nizam palace, Kolkata -20 (Through Branch Secretary)
12. The Branch Secretary, CPWD, Engineer's Association (Imphal Branch), Imphal.

ATTESTED

  
ADVOCATE

  
(RAKESH KUMAR) 15/07/06

15

## PROFORMA

1. Name : Rakesh Kumar

2. Designation : Assistant Engineer (Elect)

3. Date of Birth : 24.08.1960

4. Date of joining service : 18.12.1981

5. Date of Retirement : 31.12.2020

6. Exam/ Seniority Quota : Limited Departmental competitive Exam. 2002.

7. Present place of posting and since when : Manipur Central Electrical Sub-Divn-II Imphal Since 6-05-05 vide D.G (W)'s office order No- 56 of 2005 communicated vide OM No- 28-12-04-EC-III dated 01-04-2005 and ADG (ER) office order communicated vide letter No- 21 (60)/ Second /ER/CPWD/CAL/2005/317 dated 13-04-2005.

8. Posting details in the Department :

a. 18-12-1981 to 02-12-1983 : Bombay central Electrical circle, C.P.W.D. - Bombay.

b. 07-12-1983 to 23-07-1994 : S.I.H.E.D. -C.P.W.D. New Delhi

c. 06-09-1994 to 28-10-1995 : P.W.D. Electrical Division -II

d. 28-10-1995 to 27-12-2003 : P.W.D. Electrical Division -12

e. 29-12-2003 to 30-04-2005 : C.P.W.D Electrical Division -XI

f. 06-05-2005 to till date : Manipur central Electrical Sub-Division II Imphal- (Silcher central Electrical Division)

g. New Delhi ( North Region)

9. Posting desired :

10. Ground /reason for Transfer: To take care of old aged parents and education of son.

  
(RAKESH KUMAR)  
Assistant Engineer (E)

ATTESTED  
  
ADVOCATE

17  
 GOVERNMENT OF INDIA  
 DIRECTORATE GENERAL OF WORKS  
 CENTRAL PUBLIC WORKS DEPARTMENT

**ANNEXURE-- 'B'**

NO. 28/3/2006/EC-III

Nirman Bhawan, New Delhi.  
 Dated the 23<sup>rd</sup> November 2006.

OFFICE ORDER NO. 242/2006

Director General of Works, CPWD, New Delhi is pleased to decide the following Inter-Regional Transfer in the grade of Assistant Engineer (Elect) with immediate effect on the basis of option so exercised.

SI.	Name S/Shri	FROM	TO
1.	Ram Lekhan Gupta	NER	NR. May be relieved in May 2007
2.	Vishnu Avtar Gupta	NER	NR. May be relieved in May 2007
3.	Bhames Kumar	NER	NR. May be relieved in May 2007
4.	Pankaj Krishak	NER	NR. May be relieved in May 2007
5.	Rakesh Kumar	NER	NR. May be relieved in May 2007
6.	Mukesh Kumar	WR	NR. May be relieved in May 2007
7.	M.S. Brijwal	WR	NR

2. The Officer under order of transfer and posting should proceed to his respective place of posting and two copies of TR-1 Form with name in capital letters be sent to the Section Officer, EC-III Section giving reference to this Order. He should send certificate of having written Self-Appraisal and the CR in respect of Officers under him in the prescribed format.

  
 ( Suresh Chandra )  
 Deputy Director (Admn)

To,

The Pay & Accounts Officer, CPWD/NER.

Copy to:

1. ADG(ER), CPWD, 234/4 - A.J.C. Bose Road, Nizam Palace, Kolkata - 20.
2. ADG(NR), CPWD, Sewa Bhawan, New Delhi.
3. SE (Coord) ER, CPWD, 234/4 - A.J.C. Bose Road, Nizam Palace, Kolkata - 20.
4. SE(Coord)(Elect), NR, CPWD, East Block - I, Level - 6, R.K. Puram, New Delhi - 110066

**ATTESTED**

**ADVOCATE**

- 28 -

29

5. SE(Coord), WR, CPWD, Old CGO Building Annex, 14<sup>th</sup> Floor, 101, M.K. Road, Mumbai - 400020CE (NDZ-III), CPWD, Sewa Bhawan, R.K. Puram, New Delhi - 22.
6. SE(Coord), SR, CPWD, 1<sup>st</sup> Floor, G-Wing, 3<sup>rd</sup> Avenue, Rajaji Bhawan, Besant Nagar, Chennai - 600090
7. The Chief Engineer, NEZ, CPWD, Shillong.
8. Official concerned.
9. General Secretary, CPWD Engineers' Assn., Ground Floor, B-Wing, I.P. Bhawan, New Delhi - 2.
10. General Secretary, All India CPWD Engineers' Assn., B-033, I.P. Bhawan, New Delhi - 2.
11. PPS/PS/PA to DG(W)/ADG(S&P)/DA/DS(A)-II
12. Hindi Sankha for Hindi version.
13. S.O., CR Cell/EC-IV/Stock File/Notice Board.

N. Singh  
(Narendra Singh )  
Section Officer (EC-III)

**ATTESTED**

  
**ADVOCATE**

-19-

ANNEXURE - 'C'

To,

The Executive Engineer(E)  
Silchar Central Electrical Division  
Central Public Works Department  
Silchar-2

SUB:- Request for relief from duty,

Respected Sir,

With due regard I would like to state that I have been transferred from North East Region to Northern Region vide OFFICE ORDER No. 247/2006 dated 23<sup>rd</sup> November, 2006. issued from the office of Director General of Works, CPWD, Nirman Bhawan, New Delhi.  
(Copy enclosed)

Sir, it is requested to relief myself from duty by the end of January, 2007 keeping in view my following personal considerations:-

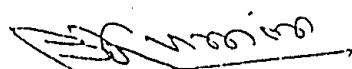
- (1) I have to arrange the marriage of my daughter in the month of April, 2007
- (2) I have to take care of my son who is studying in class X, CBSE Board; Examination is starting on 2<sup>nd</sup> March, 2007.
- (3) There is marriage of my niece on 16<sup>th</sup> Feb, 2007.

I hope you will accept my request sympathetically & oblige me.

Thanking You.

Dated.03.01.07

Yours Faithfully

  
(BHAMESH KUMAR)  
Assistant Engineer (E)  
ACE SD-1 CPWD  
Gandhigram, Agartala

ATTESTED

ADVOCATE

Government Of India  
Central Public Works Department  
Manipur Central Electrical Sub-Division-II  
Imphal-795113

No. 8(1)/MCESD-II/2007/ 236

Dated. 15/1/07

To

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

Subject:- Requisition for issue of Relive order.

Ref:- Order No-242/2006 conveyed vide letter no.28/3/2006/EC-III dated the 23<sup>rd</sup> November,2006.

Sir,

With due respect it is stated that transfer order of undersigned has been issued vide above- mentioned letter no. from NER to N.R. (Copy enclosed).

Hence, you are requested to take necessary action in this regard, so that undersigned can be relieved well within time.

Thanking you

Enclosed:-As above.

NO 1

Yours faithfully

Assistant Engineer (E)  
Manipur Central Electrical Sub-Division-II  
CPWD,GC,CRPF, Langjing,  
Imphal, Manipur

ATTESTED

ADVOCATE

221

ANNEXURE - "D"

30

The Executive Engineer (E)  
Silchar Central Electrical Division  
Central Public Works Department  
Silchar-2

SUB:- Request for relief from duty,

Reminder

Respected Sir,

With due regard I would like to invite your kind attention again toward my relieving from duty as earlier stated that I have been transferred from No th East Region to Northern Region vide OFFICE ORDER No. 247/2006 dated 23<sup>rd</sup>. November, 2006 issued from the office of Director General of Works, CPWD, Nirman Bhawan, New Delhi.

(Copy of order was sent to your office along with my previous request letter dt. 03.01.07)

As no reply has been received by the undersigned till date, it is once again requested to make arrangement for my relieving.

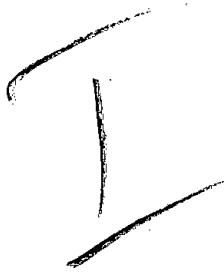
It is also to mention that due to non relieving, my family will be totally disturbed as I could not make arrangement of marriage of my daughter ( as I requested for relieving by the end of January,07 for the same cause, copy enclosed) and now she has been selected by the insurance firm from campus and has to join at Vadodara w.e.f. 04.06.07. A copy of appointment is enclosed.

In view of above, my wife has to shift to Vadodara and I will have to look after my old aged mother and my two other children living/studying at Delhi and more important, I have to try for marriage of my daughter which is not possible at all while performing duty at Agartala.

I hope you will accept my request & oblige me.

Thanking You.

Yours Faithfully,

  
(BHIMESH KUMAR)  
Assistant Engineer (E)  
ACE SD-I CPWD  
Gandhigram, Agartala

Dated 17.03.07

Copy to-

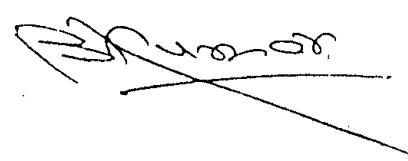
(1) General Secretary, Central PWD Engineers' Association, B-wing, I.P.Bhawan, N.Delhi

(2) Regional Secretary, Central PWD Engineers' Association, Nizam Palace, Kolkata-20

Requested for kind co-operation and necessary action at your end please.

**ATTESTED**

**ADVOCATE**



22-22-

Beacon

9<sup>th</sup> Jan, 2007

To,

Ms. Himali  
MBA Insurance  
AMITY School Of  
Insurance And Actuarial Science

2  
E

Dear Ms. Himali,

**Re: Offer for your Appointment as Manager**

This has reference to the Interview Held on January 4th, 2007 We offer you Appointment as an **MANAGER** with our Organisation on the following terms and condition;

1. Subject to your Successful completion of your MBA from Amity School Of Insurance And Actuarial Science.
2. Your annual CTC has been fixed at (as per annexure). The detailed breakup shall be communicated to you vide the appointment letter to be issued subsequently.
3. In addition to this you shall be entitled to other incentives & company bonus which shall be declared yearly based on the performance of the company.
4. You shall be required to undergo 1 month training at the centre to be communicated to you. The boarding & lodging during the training period shall be arranged by the company at its cost.
5. After successful completion of the training, you shall be posted in the dept/ place depending upon the company requirements. The Management at its sole discretion reserves the right to transfer you temporarily or permanently to any department, branch or establishment under the same management in any other offices of India.
6. Your appointment would be on Probation for a minimum period of Six Months from date of Joining. Your confirmation with the Company will be on your satisfactory performance during the probation period. The Company may also extend or reduce period of Probation at its sole discretion.
7. Your Services are liable to be terminated without assigning any reason by either side on giving notice of 15 days during probation period. On Confirmation a Notice of 1 month will be required from either side prior to termination.

**ATTESTED**

**ADVOCATE**

Beacon Insurance Private Limited

22/23

Beacon

8. The above offer and your being employed by the Company is subject to receipt of acceptance of above terms and condition by signing and returning us a copy of this letter within One Week of its receipt.
9. Please also note this is only a Letter of Intent providing you the Terms and Conditions of appointment as explained above and a Formal Letter of appointment will be issued on your joining duties.

Thanking You.

Yours truly,  
For Beacon Insurance Pvt. Ltd.

( S.K.Rustagi )  
Managing Director & Principal Officer

I accept the above offer

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

**ATTESTED**

*[Signature]*  
**ADVOCATE**

MANISH KUMAR SHARMA  
Advocate, M.A., LL.B., M.P.A.

Private Practitioner

22-24-

Dear all,

This is in reference to the correspondence going on with you and also with your placement coordinator, regarding the training dates.

Kindly take a note that the training will start from 4<sup>th</sup> June 07 at Baroda. The duration of the training will be of 14 days.

The exact venue with all necessary details will be mailed to you within a week's time.

Place: Baroda

Date: 4<sup>th</sup> June 07

Duration: 14 days

All the best for your exams.

If in case of any changes it will be mailed to you well in advance.

Regards,

Prajakta Karlekar

Beacon Insurance Pvt. Ltd.

Baroda

**ATTESTED**

**ADVOCATE**

225-

# AMITY

SCHOOL OF INSURANCE  
AND ACTUARIAL SCIENCE

An Institute of Ahmed Patel & Associates Foundation

Amity Campus, II-Block, III Floor, Sector 44,  
Noida - 201 303, Distt. Gautam Budh Nagar



Name: HIMALI

Himali

D/o. Mr. B K. Kansal

Roll No.: 2602

5/117, Sector-II,

Rajendra Nagar,

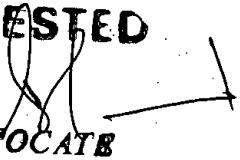
Sahibabad-201005

9810969027

MBA (Insurance) : 2005-06

  
Issuing Authority

**ATTESTED**

  
ADVOCATE

-26-

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
Silchar Central Electrical Division

ANNEXURE-- E

No. 8 (10)/SCED/2007/ 174

Malugram, Mela Road,  
Silchar - 788 002, Dist: Cachar (Assam)  
Ph: (03842) 261854, 263126 (Fax)  
Dtd. 09/10/07 /2007.

OFFICE ORDER

In exercise of power delegated in terms of Rule 222 & 223 of GFR (RE) 1963 sanction is hereby accorded the following advance of Sri Bhamesh Kumar, Assistant Engineer (El) attached to Agartala Central Electrical Sub-Division CPWD, Agartala under this Division T.T.A advance amounting to Rs.15,700/- and one month pay advance of Rs. 15975/- (Rupees fifteen thousand nine hundred & seventy five only) on transfer to Delhi vide transfer order issued by the Director General of works, CPWD, New Delhi vide office order No. 247/2006 issued vide No. 26-03-2006/EC-III dated. 23-11-2006.

1) Transfer grant one month Pay + DP (Rs. 10650/- + Rs. 5325/-).....	Rs. 15,975.00
2) Fare from Agartala to Delhi .....	Rs. 3668.00
	Rs. 19,643.00
80 % advance: -	Rs. 15,714/-
	(Say Rs. 15,700/-)
	(Fifteen thousand seven hundred only)
3) Once month Pay Advance:- .....	Rs. 15975/-
(Pay + DP)	
Which will be recovered in three equal monthly installments	

Executive Engineer (El.)  
Silchar Central Electrical Division  
C.P.W.D., Silchar - 2

Copy to:-

1. The Additional Director General (ER) CPWD, 234/4 A.J.C. Bose Road Nizam Palace, Kolkata-20.
2. The Additional Director General (NR) CPWD, Sewa Bhawan, New Delhi.
3. The Chief Engineer (El) ER, CPWD, 234/4 A.J.C. Bose Road Nizam Palace Kolkata-20.
4. The Superintending Engineer (El) Guwahati Central Electrical Circle C.P.W.D., Bamunimaidan Guwahati - 781 021.
5. The Pay & Accounts Officer (NEZ) CPWD, Shillong.
6. Sri Bhamesh Kumar, Assistant Engineer (El) ACESD-III, CPWD, Agartala.
7. Bill Clerk / SCED/CPWD/Silchar-2.
8. Personal file.

**ATTESTED**  
  
ADVO ATTE

Caru  
EXECUTIVE ENGINEER (EL.)

26/27  
GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT **ANNEXURE**  
Silchar Central Electrical Division

No. 8 (10)/SCED/2007/ 173

Malugram, Mela Road,  
Silchar - 788 002, Dist: Cachar (Assam)  
Ph: (03842) 261854, 263126 (Fax)  
Dtd. 29/05/2007.

**OFFICE ORDER**

In exercise of power delegated in terms of Rule 222 & 223 of GFR (RE) 1963 sanction is hereby accorded the following advance of Sri Rakesh Kumar, Assistant Engineer (El) attached to Manipur Central Electrical Sub-Division under this Division amounting to Rs. 20,500/- (Rupees twenty thousand five hundred only) on transfer to Delhi vide transfer order issued by Director General of works, CPWD, New Delhi vide office order No. 247/2006 issued vide No. 26-03-2006/EC-III dated 23-11-2006.

1) Transfer grant once month Pay + DP (Rs. 9300/- + Rs. 4650/-).....	Rs. 13,950.00
2) Fare from Imphal to Delhi for self (approx).....	Rs. 4000.00
3) Transportation of personal effects 2000 Kg. a) From Imphal to Delhi 216 Km by Road @ Rs. 18/- Rs. 3888/-	Rs. 7688.00
b) From Dimapur to Delhi by rail @Rs. 1900/- Per Ton <u>Rs. 3800/-</u> <u>Rs. 7688/-</u>	Rs. 25,638.00

80 % advance: - Rs. 20,510/-  
(Say Rs. 20,500/-)  
( Twenty thousand five hundred only)

*Sd/-*  
Executive Engineer (El.)  
Silchar Central Electrical Division  
C.P.W.D. ::::: Silchar - 2

Copy to:-

1. The Additional Director General (ER) CPWD, 234/4 A.J.C. Bose Road Nizam Palace, Kolkata-20.
2. The Additional Director General (NR) CPWD, Sewa Bhawan, New Delhi.
3. The Chief Engineer (E) ER, CPWD, 234/4 A.J.C. Bose Road Nizam Palace Kolkata-20.
4. The Superintending Engineer (El) Guwahati Central Electrical Circle C.P.W.D., Bamunimaidan Guwahati - 781 021.
5. The Pay & Accounts Officer (NEZ) CPWD, Shillong.
6. Sri Rakesh Kumar, Assistant Engineer (El) MCESD, CPWD, Langjing, Imphal.
7. Bill Cleark / SCED/CPWD/Silchar-2.
8. Personal file.

**ATTESTED**  
**ADVOCATE**

*Contd. 1*  
EXECUTIVE ENGINEER (El.)

The Executive Engineer (E)  
Silchar Central Electrical Division  
Central Public Works Department  
Silchar-2

SUB:- Request for relief from duty,

Ind Reminder

Respected Sir,

With due regard I would like to invite your kind attention once again toward my relieving from duty as earlier stated that I have been transferred from North East Region to Northern Region vide OFFICE ORDER No. 247/2006 dated 23<sup>rd</sup> November 2006 issued from the office of Director General of Works, CPWD, Nirman Bhawan, New Delhi.

(Copy of order was sent to your office along with my previous request letter dated. 03.01.07)

As no reply has been received by the undersigned till date inspite of my repeated request letters (copies enclosed), it is once again requested to ensure my relieving in the month of May, 2007 to make compliance of above referred Transfer order issued by HEAD OF DEPARTMENT.

It is also to mention again that due to non relieving, my family will be totally disturbed as I could not make arrangement of marriage of my daughter (as I requested for relieving by the end of January, 07 for the same cause, copy enclosed) and now she has been selected by the insurance firm from campus and has to join at Vadodara (Gujarat) w.e.f. 04.06.07. A copy of appointment letter was already sent to your office.

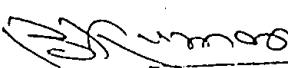
As earlier stated, my wife has to shift to the station of posting of my daughter and I will have to look after my old aged mother and my two other children living/studying at Delhi and more important, I have to try for marriage of my daughter which is not possible at all while performing duty at Agartala.

I hope you will accept my request & make compliance of the office order of DIRECTOR GENERAL (WORKS).

Thanking You.

Yours Faithfully

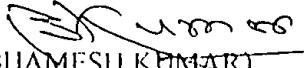
Dated. 11.05.07

  
(BHIMESH KUMAR)  
Assistant Engineer (E)  
ACESD-I, CPWD  
Gandhigram, Agartala

Copy to:-

- (1) General Secretary, Central PWD Engineers' Association, I.P.Bhawan, N. Delhi
- (2) Regional Secretary, Central PWD Engineers' Association, Nizam Palace, Kolkata-20

Requested for kind co-operation and necessary action at your end please.

  
(BHIMESH KUMAR)

**ATTESTED**  
  
**ADVOCATE**

28-29-

ANNEXURE-- G

To,

The Superintending Engineer(E)  
Guwahati Central Electrical Circle  
Central Public Works Department  
Guwahati

( Through Proper Channel/Advance Copy)

SUB:- Request for relief from duty,

Respected Sir,

With due regard I would like to invite your kind attention toward my relieving from duty as I have been transferred from North East Region to Northern Region vide OFFICE ORDER No. 247/2006 dated 23<sup>rd</sup> November 2006 issued from the office of Director General of Works, CPWD, Nirman Bhawan, New Delhi.

(Copy of order was sent to your office earlier)

As no reply has been received by the undersigned till date inspite of my repeated request letters (copies enclosed) from the office of Executive Engineer (E), Silchar Central Electrical Division, Silchar

It is also to mention again that due to non relieving, my family will be totally disturbed as I could not make arrangement of marriage of my daughter ( as I requested for relieving by the end of January,07 for the same cause, copy enclosed) and now she has been selected by the insurance firm from campus and has to join at Vadodara w.e.f. 04.06.07. A copy of appointment letter was already sent to O/o Executive Engineer (E), SCED, Silchar.

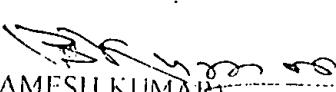
As earlier stated, my wife has to shift to the station of posting of my daughter and I will have to look after my old aged mother and my two other children living/studying at Delhi and more important, I have to try for marriage of my daughter which is not possible at all while performing duty at Agartala.

In view of above, it is humbly requested to relieve me by the end of May, 2007.

Thanking You.

Yours Faithfully

Dated. 25.05.07

  
(BHAMESH KUMAR)  
Assistant Engineer (E)  
ACESD-I, CPWD  
Gandhigram, Agartala

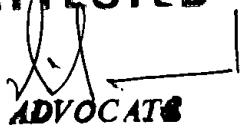
Copy to:-

(1) The Executive Engineer (E)/SCED, Silchar.

Requested for kind co-operation and necessary action at your end please.

  
(BHAMESH KUMAR)

**ATTESTED**

  
**ADVOCATE**

22-30

ANNEXURE H

GOVERNMENT OF INDIA  
O/o EXECUTIVE ENGINEER (E)  
GUWAHATI ELECTRICAL DIVISION NO.11  
CENTRAL PUBLIC WORKS DEPARTMENT  
GUWAHATI - 781015  
Telephone/Fax: (0361) 2840233

No. 21(3)/GED-II/2007/785

Dated: 31/05/2007.

OFFICE MEMO

In pursuance of DG(W) office order No. 242/2006 in file No. 28/3/EC-III Dated 23/11/2006, Shri Pankaj Krishak, AE(E) attached to E&MSD-I, CPWD, Guwahati-15 under this Division is hereby relieved on the afternoon of 31.05.2007 with direction to report for his further duty to the ADG(NR), CPWD, New Delhi.

Executive Engineer(E)  
Guwahati Electrical Division No.11  
C.P.W.D., Guwahati - 781015

Copy along with TR-1 to:

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-110011.
2. The ADG(NR), CPWD, Sewa Bhawan, New Delhi.
3. The ADG(ER), CPWD, Nizam Palace, Kolkata-20.
4. The Chief Engineer(E)EZ, CPWD, Nizam Palace, Kolkata-20.
5. The Superintending Engineer(Coord), Coordination Circle(EZ), CPWD, Nizam Palace, Kolkata-20.
6. The Superintending Engineer, Coordination Circle(NR), CPWD, 7<sup>th</sup> level, East Block, New Delhi.
7. The Superintending Engineer(E), Guwahati Central Electrical Circle, CPWD, Guwahati-21.
8. The Assistant Engineer(E), E&MSD-I, CPWD, Guwahati-15.
9. The Assistant Engineer(E), GESD-III, CPWD, Guwahati.
10. The Pay & Accounts Office(NEZ), CPWD, Malki Point, Shillong-01.
11. Shri Pankaj Krishak, AE(E), E&MSD-I, CPWD, Guwahati-15.
12. Shri Maharaj Singh, AE(E), GESD-III, CPWD, Guwahati.
13. Personal file of Shri Pankaj Krishak, AE(E)
14. Personal file of Shri Maharaj Singh, AE(E)
15. Bill Clerk, GED-II, CPWD, Guwahati-15 (in duplicate).

ATTESTED  
ADVOCATE

W.M.  
EXECUTIVE ENGINEER(E)

ANNEXURE-I

GOVERNMENT OF INDIA  
 Central Public Works Department  
 TEZPUR CENTRAL ELECTRICAL DIVISION

Mahabirah Road (Naar Market)  
 P.O. : Tezpur, Dist : Sonitpur, Pin - 784001.  
 Phone : 03712 - 223793

No. : 8(2)/TCED/2007/ 452

Date : 21 / 05 / 2007

OFFICE ORDER

In pursuance of Office Order no. 242/2006 issued vide no. 28/3/2006/EC-III dated 25.11.2006 of DG(W), New Delhi, Shri Y.P. Singh, AE(P)E attached to this division is hereby directed to take over the complete charge from Shri V.A. Gupta, AE(E), TCESD-I, CPWD, Tezpur who is under order of transfer in above referred order. Shri Y.P. Singh, AE(P)E will hold this additional charge of TCESD-I, CPWD, Tezpur in addition to his own duty of AE(P) of this office till further order.

Executive Engineer (E)  
 Tezpur Central Electrical Division  
 C.P.W.D., Tezpur

Copy to :-

1. The Superintending Engineer (E), Guwahati Central Elect. Circle, CPWD, Guwahati-21 for information please.
2. Shri V.A. Gupta, AE(E), TCESD-I, CPWD, Tezpur for information and necessary action. He is directed to hand over his complete charge to Shri Y.P. Singh, AE(P)E.
3. Shri Y.P. Singh, AE(P)E, CPWD, Tezpur for information and necessary action.

ATTESTED  
 [Signature]  
 ADVOCATE

NO. 8(2)/GCEC/E-I/07/ 1060  
 GOVERNMENT OF INDIA  
 Central Public Works Department  
 GUWAHATI CENTRAL ELECTRICAL DIVISION-I  
 Nirman Bhawan, P.O. Bamanimaidan, Guwahati-781021  
 Email : gedi@sisfy.com, Phone : 2550315  
 Fax : 2654390

Dated the 6 June, 2007

OFFICE ORDER

In pursuance of Office Order No.17 of 2007/SE(Coord) issued vide letter no.21(602)/SE(Coörd)/ER/CPWD/Kol/2007/243 dated 5-4-2007 and letter no.9/37/97-Admn.Vol.IX dated 16-5-2007 of Chief Engineer(E)EZ, CPWD, Kolkata-20, Shri Rajesh Mohan, Assistant Engineer(P)E of this office is hereby relieved on the afternoon of 6-6-2007 with the direction to report in the office of Executive Engineer(E), Patna Central Electrical Division, CPWD, Patna.

This issues with the approval of SE(E), GCEC.

Copy to :..

Executive Engineer(E)P&A

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-11.
2. The Addl. Director General(ER), CPWD, Nizam Palace, Kolkata-20.
3. The Chief Engineer(E)EZ, CPWD, Nizam Palace, Kolkata-20.
4. The Superintending Engineer(Coord), Co-ordination Circle(ER), CPWD, Nizam Palace, Kolkata-20.
5. The Superintending Engineer(E), Patna Central Electrical Circle, CPWD, Patna.
6. The Pay & Accounts Officer(NEZ), CPWD, Raja Villa, Malki Point, Shillong-1.
7. The Executive Engineer(E), Patna Central Electrical Division, CPWD, Patna.
8. Shri Rajesh Mohan, Assistant Engineer(P)E, Guwahati Central Electrical Circle, CPWD, Guwahati-21. He is directed to hand over his charges to Shri J.P. Jena, AEE(P)E in complete shape.
9. Shri J.P. Jena, AEE(P)E, Guwahati Central Electrical Circle, CPWD, Guwahati-21 for information and necessary action please.
10. The Bill Clerk, Guwahati Central Electrical Circle, CPWD, Guwahati-21.
11. Personal File and Service Book of Shri Rajesh Mohan, Assistant Engineer(P)E.

G  
 Executive Engineer(E)P&A

**ATTESTED**

**ADVOCATE**

33  
GOVERNMENT OF INDIA  
Central Public Works Department  
GUWAHATI ELECTRICAL DIVISION NO.-I

ANNEXURE--"K"

Nirman Bhawan, Bamunimaidan, Guwahati- 781 021.

e-mail: ged1@asify.com

Phone: 0361 - 2550315

Fax: 0361 - 2654390

No.: 21 (2)/GED-I/E-I/07-08/710

Dated, Guwahati the 07.06.2007

OFFICE ORDER

In pursuance of office order No. 17 of 2007/ SE (Co.-Ord) ER in file No. 21 (602)/ SE (Co.-Ord.) ER/CPWD/Kol/2007/243 dated 05/04/2007 of the Superintending Engineer (Coord.) ER/CPWD/Kolkata - 20 and letter No. 8 (2)/GCEC/E-I/1005 dated 31/05/2007 of SE (Elect.), GCEC, CPWD, Guwahati-21, Shri R. P. Aditya, AE (E)P of this office is hereby relieved of his duties from this Division on the afternoon of 07/06/07 with direction to report for duty to the Executive Engineer (Elect.), Ranchi Central Electrical Division, CPWD, Ranchi.

Executive Engineer (Elect.)  
Guwahati Electrical Division No.-I  
C.P.W.D., Guwahati- 781 021.

Copy to:-

1. The DG (W), CPWD, Nirman Bhawan, New Delhi - 110 011.
2. The ADG (ER), CPWD, Nizam Palace, 234/4, AJC Bose Road, Kolkata-20
3. The CE (Elect.), EZ, CPWD, Kolkata-20
4. The SE, Co-ordination Circle (ER), CPWD, Nizam Palace, 234/4, AJC Bose Road, Kolkata - 20
5. The SE (Elect.), GCEC, CPWD, Guwahati-21.
6. The SE (Elect.), Patna Central Electrical Circle, CPWD, Patna.
7. The EE (Elect.), Ranchi Central Electrical Division, CPWD, Ranchi. The Service Book & personal file etc. of Shri R. P. Aditya, AE (Elect.)P is being sent separately.
8. The PAO, CPWD (NEZ), Shillong - 793 001.
9. Shri R. P. Aditya, AE (Elect.)P, GED-I, CPWD, Guwahati-21.
10. The Bill Clerk, GED-I, CPWD, Guwahati-21.
11. The Service Book & personal file of Shri R. P. Aditya, AE (Elect.)P.

**ATTESTED**  
  
**ADVOCATE**

Executive Engineer (Elect.)

No. 211502/SP(Co-ordn.)ER/CPWD/ER/2007/243

Dated: 5.4.2007

OFFICE ORDER NO. 17 OF 2007/SE(CO-ORDN)ER

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

Sl. No.	Name Shruti.	From	To	Remarks Vice-Shruti/Smth.	PIMS Ref.
1.	NURJAHAN AEE	REC'D. KOLKATA	DDCEB, KOLKATA	EX	77001867900 NOT
2.	RAJESH MOHAN	GCCEC, GUWAHATI	AE, PCED, PATNA	VACANCY EX.	AVAILABLE T-2007/1858
3.	R.P. ADITYA	CEU-I, GUWAHATI	AE, RCED, RANCHI	VACANCY	NOT AVAILABLE

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

2. They should send a certificate for having written their self-appraisal and the CRG in respect of the officers under them in the prescribed form vide Part 3 of DO (w)'s O.M. No. 15/3/79-CR dated 16.6.79.

3. In terms of DO(W)'s O.M. No. 20/18/18/99-EO-II dated 13.7.99 in case the AEs on transfer are not relieved they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and will not be eligible to draw pay and allowances from their present offices thereafter unless their transfer orders are cancelled/modified or further instruction is given from ADD(ER), CPWD, Kolkata/ADD(SE&E).

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

SUPERINTENDING ENGINEER/COORDINER

Copy to:

1. DO(S), Nizam Palace, New Delhi (EC-II) for information.
2. ADD (ER), Nizam Palace, Kolkata - 70.
3. Concerned CE under ER.
4. CE(ELECT)EZ, Kolkata.
5. Concerned SE(Elect.) under ER.
6. Concerned CE (Elect.) under ER.
7. Person Concerned through their Controlling Officers.
8. The Secretary, CPWD Engineers' Association, Kolkata.

SUPERINTENDING ENGINEER/COORDINER

1. Reference No. 211502/SP(Co-ordn.)ER/CPWD/ER/2007/243

**ATTESTED**

**ADVOCATE**

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ANNEXURE- L

-Typed Copy (Relevant portion) -

TEL : ( 033 ) 2257-7416 FAX NO.(033) 2281 3183

No.21(602)/SE (Co-ordn.)/ER/CPWD/Kol/2007/243

Dated : 5.4.2007

OFFICE ORDER NO 17 OF 2007/SE (CO-ORD) ER

The ADG (ER), CPWD, Nizam Palace, Kolkata is pleased to decide the transfer / posting of the following Asstt. Engineer (ELECT) & AEE (ELECT) under ER in public interest with immediate effect.

Sl.No.	Name Shri / Smti	From	To	Remarks Vice Shri / Smti	PIMS REF Transfer
1	NORESH .....	.....	.....	.....	.....
2	RAJESH MOHAN	GCEC, GUWAHATI	AE, PCED, PATNA	EX VACANCY	T-2007/1858
3	R.P.ADITYA	GED-I, GUWAHATI	AE, RCED, RANCHI	S. KUNJILAL	NOT AVAILABLE

1. The Officers placed under orders of posting / transfer should immediately proceed to their respective place and send to copies of TR-1 from with their names in capital letters to the Senior Officer, ECT-III Section to DG (W) and also to this Office giving reference to these orders. The Officer in charge under whom they are working should ensure that the concerned Officers are relieved immediately without waiting for their substitutes.
2. They should send a certificate for having written their self-appraisal and the CRE in respect of the officers under them in the prescribed form vide Para 3 of DO (W)'s OM No. 15/5/79-CR Cell dated 16-6-90.
3. In terms of DG (W)'s O.M. No.28/18/99-EC-III dated 15-7-99 in case the AE's on transfer are not relieved they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and will

ATTESTED

ADVOCATE

not be eligible to draw pay and allowances from their present office thereafter unless their transfer orders are cancelled / modified or further transfer are given from ADG (ER), CPWD, Kolkata/ADG (SNP).

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

**SUPERINTENDING ENGINEER (COOR) ER**

Copy to : ---

1.....  
2.....

**SUPERINTENDING ENGINEER (COOR) ER**

**ATTESTED**

**ADVOCATE**

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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

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

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

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

and

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

By Advocate Sri A.Ahmed.

- Versus -

1. Union of India,  
 represented by the Secretary to  
 the Government of India,  
 Ministry of Urban Affairs,  
 New Delhi.
2. The Director General (Works)  
 C.P.W.D., Nirman Bhawan,  
 New Delhi-11.
3. The Superintending Engineer (Coordination)  
 Circle, C.P.W.D., Eastern Region,  
 Nizam Palace, Kolkata-20.
4. The Executive Engineer,  
 Indo-Bangladesh Border Road, (Mtc),  
 Division, C.P.W.D., Malugram,  
 Silchar, Assam.
5. The Assistant Engineer,  
 Demagiri Central (Mtc) Sub-Division,  
 C.P.W.D., Demagiri, Mizoram.
6. The Assistant Engineer,  
 I.B.B.R (Mtc) Sub Division,  
 C.P.W.D., Mela Road, Malugram,  
 Silchar-2. . . . Respondents.

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

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

Q R D R K

CHOWDHURY J. (V.C)

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

**ATTESTED****ADVOCATE**

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2. The applicant in O.A.412/2001 is a Junior Engineer (civil) in the Central Public Works Department, presently he is working at Demagiri Central (etc) Sub Division, C.P.W.D, Demagiri, Mizoram under respondents No.4 and 5. The applicant in O.A.431/2001 is also working as a Junior Engineer (civil) in Indo-Bangladesh Border Road (etc) Sub-Division, C.P.W.D, Malogram, Silchar-2 under respondents No.4 and 5. By order No.21(1)SE(S), 20(1)/ER/CPWD/CM/2001/444 dated 31.5.2001 the two applicants were posted out and transferred in their respective place of posting. The applicant in O.A.412/2001 by k the said order was transferred to Kolkata. By the same order the applicant in O.A.431/2001 was also transferred to DCD/Dhankar vice Shri R.N.Singh promoted by the said order issued by the respondent No.3. Despite the transfer order passed by the aforesaid order the respondents in a most illegal fashion failed to give effect to the said orders so far these two applicants are concerned, contended the applicants. It was pleaded that since the order was passed affecting about 57 persons there was no justification for not giving effect to the transfer of these two applicants. The applicants are similarly placed like that of other officers but in a most arbitrary fashion the respondents failed to adhere to the order of transfer so far as the applicants were concerned contended the applicants. The applicants also contended that as per office memorandum dated 14.12.83 the applicants were entitled to be posted to the place of their choice on completion of their tenure.

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

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after issuance of the transfer order dated 31.5.2001, the respondents No.3 issued another order vide Memo No.21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dated 28.9.2001 whereby it was ordered that all transfer posting order of Group C and D staff including the Junior Engineers from Eastern Region to North Eastern Region and vice versa already issued but not implemented was to be kept in abeyance with immediate effect till further order. The respondents also pleaded that applicants could not be released from their present place of posting due to exigencies of service as the applicants were deputed to look after the works of maintenance of International border Roads which could not be left unattended due to national security reasons. The respondents also pleaded that Silchar Maintenance Division of CPWD was responsible to maintain the Indo Bangla Border Roads in three States viz, Mizoram, Meghalaya and Tripura covering a total length of 183 Km. In O.A.412/2001 it was stated that the division was new one started functioning from 1998 with 13 numbers of sanctioned strength of Junior Engineers. Out of 13 posts only five junior engineers were posted. After completion of tenure order of transfer for three junior engineers were issued by respondent No.3 out of five posts and accordingly they were released. Only two Junior Engineers were in position to look after the entire jurisdiction under the division. Therefore their posting out/undoubtedly affect the movement of the B.S.F personnel and causing threat to the national security.

4. I have heard Mr A.Ahmed, learned counsel for the applicants and Mr H.C.Parkar, learned and P.C.C.S.C for respondents in O.A.412/2001 and Mr A.K.Choudhury, learned

**ATTESTED**

  
ADVOCATE

contd...4

Addl.C.O.S.C for the respondents in C.A.651/2001 at length. Admittedly the transfer order was issued as far back as May 2001. When the transfer orders were passed on 31.5.2001 the respondents were well aware about the situation and the fact that these applicants were working in the North Eastern Region. On the pretext of non availability of persons one is not at liberty not to give effect to its own decision rendered by it. The communication dated 28.9.2001 keeping the matter in abeyance was issued as a purely stop gap arrangement. The said order also cannot dilute the order of transfer dated 31.5.2001. I do not find any justifiable reason for not giving effect to the transfer order for these two applicants. On the pretext of want replacement the authority cannot procrastinate a lawful order. Considering all the aspects of the matter, I do not find any discernible reason for sitting over the matter as regards the posting out of these two applicants on the purported ground of non availability of substitutes. It was the responsibility of the respondents to take steps for finding out the surrogate. The inaction on the part of the respondents in not giving effect to the transfer order in the set of circumstances cannot be legally sustained. The respondents are directed to take all out effort to give effect to the order of transfer dated 31.5.2001 with utmost expedition and at any rate within a period of two months from the date of receipt of this order, in respect of the applicants.

With the applications are accordingly allowed.

There shall, however, be no order to costs.

No of Application : A.6507

No on which copy is ready : A.6507

No on which copy is served : A.6507

Certified to be true copy

S/VICE CHAIRMAN

Section Officer (Jedi) 6/8  
C. A. T. Guwahati Bench  
Guwahati-6

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ADVOCATE