

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO. 131/08 - 2008
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

1. Order Sheets..... 01pg..... 01to..... 01 ✓
2. Judgment/ order dtd. 11.7.2008 ..pg..... 01to..... 03 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 131/08page..... 01to..... 17 ✓
5. E.P/M.P.page.....to.....
6. R.A./C.P.....page.....to.....
7. W.S.Page.....to.....
8. Rejoinder.....page.....to.....
9. Replypage.....to.....
10. Any other paperspage.....to.....
11. Memorandum Appearance pg 01 to 01 ✓
12. Addl. Affidavit Filed

SECTION OFFICER (JUDL.)

10.8.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 121/08
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S)....Dr. A. K. Chakrabarty VS-Union Of India & Ors

Advocate for the Applicant(S): M. K. Nath

Advocate for the Respondant(S): Case

Notes of the Registry	(i) Date	Order of the Tribunal
<p>This application is in form is filed in Form No. 50/- deposited vide PO No. <u>396345264</u> Dated <u>5.7.08</u></p> <p>By Registrar <u>Dr.</u></p> <p>Petitioner's Grievance issue notices are received with envelope Copy served.</p> <p><u>Dr.</u> 9/7/08 117</p> <p>Received Copy <u>M. Nath</u> Advocate 11/7/08</p> <p>Received <u>A.C.C.</u> 18-7-08</p>	<p>11.7.2008</p> <p>/bb/</p>	<p>Heard learned counsel for the parties. For the reasons recorded separately, the O.A. stands disposed of at the admission stage itself.</p> <p><u>(M.R. Mohanty)</u> Vice-Chairman</p>

11.8.08

Copy of the Indef
alongwith the copy of
the applicant send to
the D/Sec. for issue
the time to the Respon
and a copy of the
list to the applicant.
by post.

of

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

Original Application No. 121 of 2008.

DATE OF DECISION : 11 - 07 - 2008

Shri Ashim Kumar Chakraborty

.....Applicant/s

Mr M. K. Nath

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr Kankan Das, Addl. C.G.S.C.

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

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

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 121/2008.

Date of Order : This the 11th Day of July, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

Dr Ashim Kumar Chakraborty,
Son of Late Adhir Chandra Chakraborty
R/o N.e.R.C of B.B.S.S and L.U.P (I.C.A.R)
Jamuguri Road, Rowriah,
Jorhat – 785004,
District Jorhat, Assam

.....Applicant

By Advocate Mr M.K. Nath

-Versus-

1. Union of India,
through the Director General,
Indian Council of Agricultural Research
and the Secretary,
D.A.R.E,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi – 110001.
2. The Director,
National Bureau of Soil Survey and
Land Use Planning (ICAR)
Shankarnagar, Nagpur -440010.
3. The Principal Scientist and Head,
National Bureau of Soil Survey and
Land Use Planning (ICAR)
Regional Centre,
Jamuguri Road, P.O. Borbheta,
Jorhat – 785004, Assam.

....Respondents

By Advocate Mr Kankan Das, Addl.C.G.S.C.

ORDER (ORAL)

MANORANJAN MOHANTY (V.C)

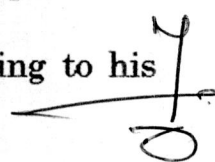
Having faced a transfer order dated 09.06.2008, the
Applicant preferred an appeal under Annexure 5 dated 21.06.2008.



Having not heard anything from the Respondents, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned transfer order dated 09.06.2008. The Advocate for the Applicant has argued that the Applicant has been relieved unauthorisedly on 20.06.2008, pursuant to the impugned transfer order. Learned counsel for the applicant has pointed out that transfer order ought to have been issued at least two months before the date of relieve; in order to enable the Applicant to prepare for movement of his family and that scope should have been given to the Applicant to represent his case before being relieved.

2. A copy of this Original Application has already been served on Mr K.Das, learned Addl.Standing Counsel for Union of India. It is the case of the learned Addl. Standing counsel that without waiting for disposal of the representation under Annexure A/5 dated 21.06.2008 the Applicant should not have approached this Tribunal. He brands this O.A to be a premature one.

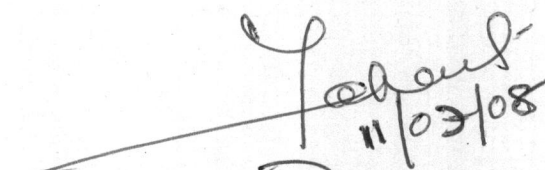
3. Having heard the learned counsel appearing for both the parties, without entering into the merits of the matter, this Original Application is hereby disposed of with direction to the Respondents to consider the grievance of the Applicant (as raised in his representation under Annexure A/5 dated 21.06.2008 and in the present Original Application) and pass a reasoned order latest by 20.08.2008. While considering the representation of the Applicant, the Respondents should also consider the grievance of the Applicant pertaining to his



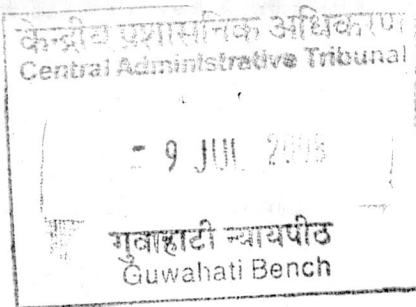
choice of posting at Kolkata or at Barrackpur; for it is the case of the counsel for the Applicant that, once some body is posted in North East Region of India, his choice of posting should receive due consideration. While considering the case of the Applicant, as aforesaid, the Respondents should allow him to continue at NBSLUP, Jorhat at least till 20.08.2008, notwithstanding the relieve order dated 20.06.2008.

4. With the aforesaid observations, and directions, this Original Application stands disposed of.

5. Copies of the order be sent to all the Respondents (alongwith copies of the Original Application) and free copies of this order be supplied to Mr M.K.Nath, learned counsel appearing for the Applicant and Mr K.Das, learned Addl. Standing Counsel for the Union of India and be sent to the Applicant in the address given in the O.A.


(MANORANJAN MOHANTY)
VICE CHAIRMAN

//pg//



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

[An application U/s. 19 of the Central Administrative
Tribunal Act, 1985]

ORIGINAL APPLICATION NO. 121 /2008

DR. ASHIM KUMAR CHAKRABORTY.

----- APPLICANT.

-Versus-

THE UNION OF INDIA AND OTHERS.

----- RESPONDENTS.

SNYOPSIS OF THE CASE:

1. The brief fact of the case is that, the applicant on transfer has joined his post in National Bureau of soil Survey and Land Use Planning (ICAR) Regional Centre, Jamuguri road, P.O. Borbheta, Jorhat - 785004, Assam on 23.08.2005. He completed his tenure of posting in North East for 2 (two) years on 22.08.2007 and thus became eligible for transfer to a Station of his choice, which is Kolkata.

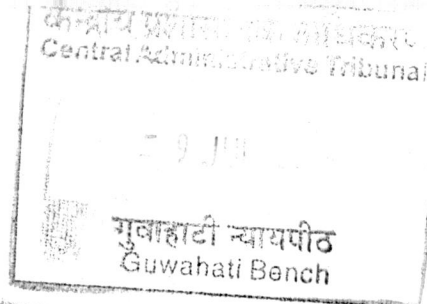
2. However, instead of transferring him to Kolkata, he has been transferred to Udaipur vide impugned Office Order.

3. Being aggrieved thereby, he files the instant Original Application for redressal of his genuine grievances.

Asim Kumare Chakraborty

Signature of the Applicant.

Received by
Respondent
No. 1
9-7-08



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

[An application U/s. 19 of the Central Administrative
Tribunal Act, 1985]

ORIGINAL APPLICATION NO. 121 /2008

DR. ASHIM KUMAR CHAKRABORTY.

----- APPLICANT.

-Versus-

THE UNION OF INDIA AND OTHERS.

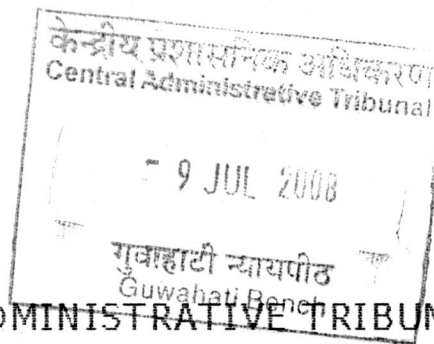
----- RESPONDENTS.

DATES AND EVENTS:

Sl. No.	Date	Event
(1)	23.08.2005	The Applicant on transfer joins his post in NBSS & LUP (ICAR)
(2)	22.08.2007	He completes his tenure of 2 (two) years service in North East as per Rules and thus becomes entitled to posting to a Station of his own choice.
(3)	09.06.2008	In violation of Rules vide impugned Order, he is transferred to Regional Centre, Udaipur.
(4)	21.06.2008	He submits representation for staying transfer Order and posting to a Station of his choice.

Asim Kumar Chakraborty

Signature of the Applicant.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

[An application U/s. 19 of the Central Administrative
Tribunal Act, 1985]

ORIGINAL APPLICATION NO. 121 /2008

DR. ASHIM KUMAR CHAKRABORTY.

----- APPLICANT.

-Versus-

THE UNION OF INDIA AND OTHERS.

----- RESPONDENTS.

I N D E X

Sl. No	Description of the documents relied upon	Documents/ Annexures	Page No.
(1)	Application		1 to 10
(2)	Office Order No. FNo. 4-156/04-05/Adm/ 4425/6 Dated: 9.6.2008 and Office Order No. NER/225/4 Dated: 20.06.2008.	A-1	11 to 12
(3)	Office Order No. FNo. 4-156/04-05/Admn/ 10354/5 Dated: 09.09.2005.	A-2	13
(4)	Extracts from Swamy's Handbook, 2006.	A-3	14 to 15
(5)	Extracts from Service Rule	A-4	16
(6)	Copy of Representation Dated: 21.06.2008	A-5	17

Prepared in my Office
House No. 86, Pubali Housing Co-op
Society, Lane No. 6, Borthakur mill Road,
Ulubari Guwahati - 7.

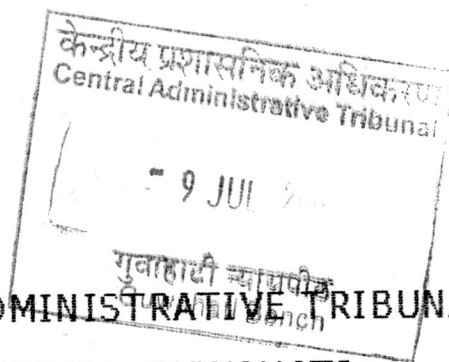
Asim kumar Chakraborty

Signature of the Applicant.

For use in Tribunal's Office
Date of filing
Registration No.

Signature

For Registrar.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

[An application U/s. 19 of the Central Administrative
Tribunal Act, 1985]

Filed by:-
Dr. Ashim Kumar
Chakraborty
(Applicant)
Through
Ashim Kumar Chakraborty
Advocate

ORIGINAL APPLICATION NO. 121 /2008

BETWEEN

DR. ASHIM KUMAR CHAKRABORTY.

----- APPLICANT.

AND

THE UNION OF INDIA AND OTHERS.

----- RESPONDENTS.

PARTICULARS OF THE APPLICANT:

- 1) Name and Address: DR. ASHIM KUMAR CHAKRABORTY,
S/o. Late. Adhir Chandra Chakraborty,
R/o. N.E.R.C. of N.B.S.S. and
L.U.P. (I.C.A.R.)
Jamuguri Road, Rowrah,
Jorhat - 785004,
District: Jorhat, Assam.
- 2) Designation and Office: Scientist, Agricultural Statistics
Regional Centre, Jorhat,
of National Bureau of Soil Survey
and Land Use Planning, Jamuguri
Road, Borbheta, Jorhat - 785004.

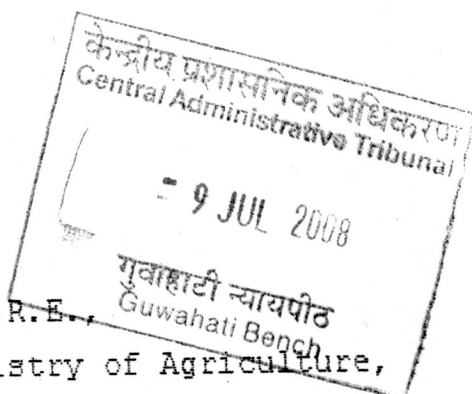
PARTICULARS OF THE RESPONDENTS:

- 1) THE UNION OF INDIA,
Through -
The Director General,
Indian Council of Agricultural
Research and
The Secretary, -

Ashim Kumar Chakraborty

- 2 -

D.A.R.E.,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi - 110001.



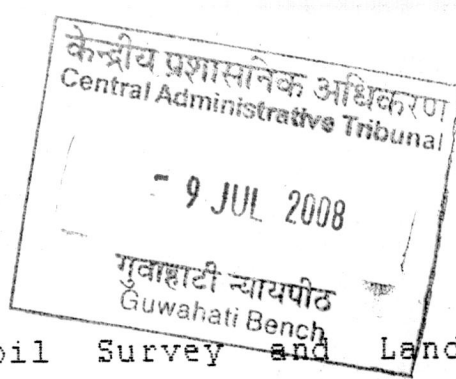
- 2) THE DIRECTOR,
National Bureau of Soil Survey
and Land Use Planning (ICAR),
Shankarnagar, Nagpur - 440010.
- 3) THE Principal Scientist and
Head,
National Bureau of Soil Survey
And Land Use Planning (ICAR),
Regional Centre,
Jamuguri Road, P.O. Borbheta,
Jorhat - 785004, Assam.

DETAILS OF APPLICATIONS -

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

- 1.1. This application is filed in this Hon'ble Tribunal with a prayer for setting aside and quashing the impugned Office Order No. 4-156/04-05/Adm/4425/6 dated: 09.06.2008 issued by the Senior Administrative Officer, National Bureau of Soil Survey and Land Use Planning, (ICAR), Amravati Road, Shankarnagar, P.O. Nagpur - 440010 transferring the applicant to Regional Centre, Udaipur.
- 1.2. Office Order No. NER/225/4 dated: 20.06.2008 issued by the Assistant Administrative Officer,

Asim Kumar Chakraborty



- 3 -

National Bureau of Soil Survey and Land Use Planning (ICAR), Regional Centre, Assam.

A copy of each of the aforesaid Officer Orders are annexed here with and marked as ANNEXURE No. A-1.

2) JURISDICTION OF THE TRIBUNAL -

The applicant declares that the subject matter of the Order against which he wants redressal is within the jurisdiction of the Hon'ble Tribunal.

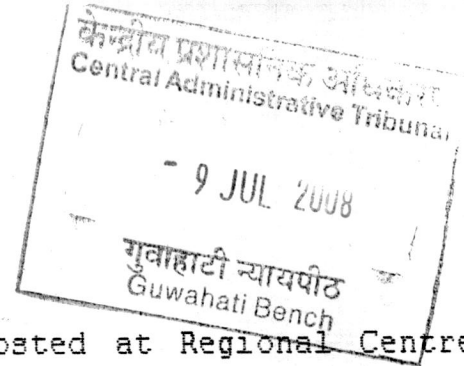
3) LIMITATION -

The applicant declares that the application is within the period of limitation under Section - 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE -

- 4.1 That the applicant is the citizen of India and being permanent resident of the above mentioned address and as such he is entitled to all the rights and privileges as guaranteed to a citizen by the Constitution of India and other laws of the land.
- 4.2 That the applicant is a Civil servant within the meaning of Article 311 of the Constitution of India.
- 4.3 That the applicant states that, he was transferred from CRIJAF, Barrakpore to NBSS & LUP, Nagpur vide Council's Office Order No. 35(41)/95-

Asim Kumar Chakraborty



Per.I dated: 21.02.2005 and posted at Regional Centre, Jorhat, where he reported for duty on 23.08.2005.

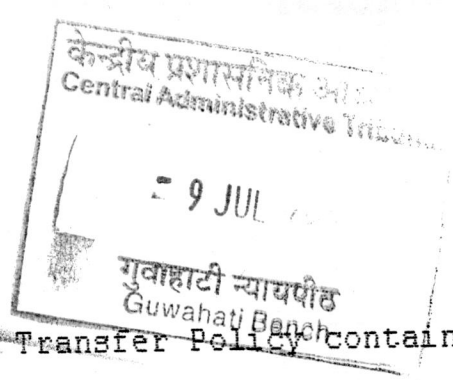
A copy of the Office Order No. Fno 4-156/04-05/Admn/10354/5 dated: 09.09.2005 to that effect is annexed herewith and marked as ANNEXURE No. A-2.

4.4 That the applicant states that, he completed the tenure of 2 (two) years service in North East on 22.08.2007. As per extant Rules, on the subject an employee with more than 10 (ten) years of service has a fixed tenure of service in North East States for a period of 2 (two) years. The applicant being 44 years old has tenure of 2 years. Therefore, on completion of tenure, he is entitled to transfer and posting in Kolkata as per his choice which fell due on 23.08.2007.

A copy of the relevant extracts from Swamy's Handbook - 2006 is annexed herewith and marked as ANNEXURE No. A-3.

4.5 That the applicant states that, instead of transferring him to Kolkata at the end of his tenure in North East, the Respondents in violation of extant Rules on the subject has transferred him to Udaipur.

Asim Kumar Chakraborty



4.6 Moreover, as Rule Para 9 of Transfer Policy contained in Chapter 5 of the Agricultural Scientific Service Rule "The Order of transfer will be issued at least two months in advance to enable the scientist to make preparations for their movement". However, the impugned Office Orders do not allow such time. As such, such Office Order being contrary to Rule is liable to be set aside.

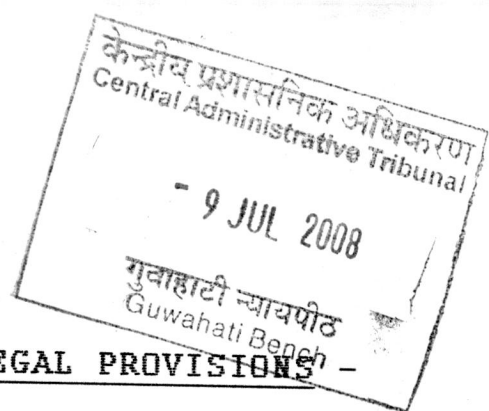
A copy of the said Rule 9 is annexed herewith and marked as ANNEXURE No. A-4.

4.7 That the applicant states that, against the impugned Order he submitted a detailed representation dated: 21.06.2008 addressed to the Director General, ICAR and Secretary, DARE, through proper channel. The Regional Office at Jorhat having refused to receive it, the applicant had to send it by post to the addressee.

A copy of the said representation is annexed herewith and marked as ANNEXURE No. A-5.

4.8 That the applicant states that, having received no reply to his representation till today and being aggrieved of the said transfer Order, the applicant prefers the instant Original Application for redressal of his grievances.

Asim Kumar Chakraborty



5) GROUND'S FOR RELIEF WITH LEGAL PROVISIONS -

5.1 For that, the applicant is a Scientist and he must have given at least two months before the transfer is effected as per relevant Service Rule; and

5.2 For that, he has already completed the period of his tenure of 2 years in North East almost a year back as per extant Rule, he should have been transferred to a Station of his choice which is Kolkata.

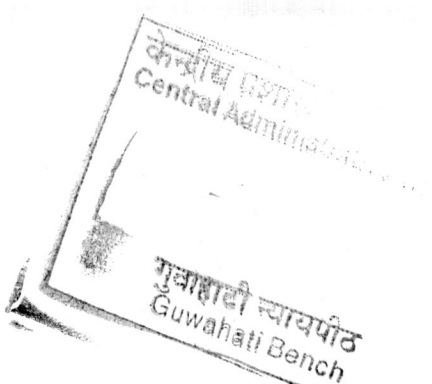
6) DETAILS OF REMEDY EXHAUSTED -

The applicant declares that, he has availed of all the remedies available to him under the relevant Service Rules etc.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT/TRIBUNAL -

The applicant further declares that, he has not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

Asim Kumar Chakraborty



8) RELIEF SOUGHT FOR -

In view of the facts mentioned in Para 4 above, the applicant prays for the following relief(s) -

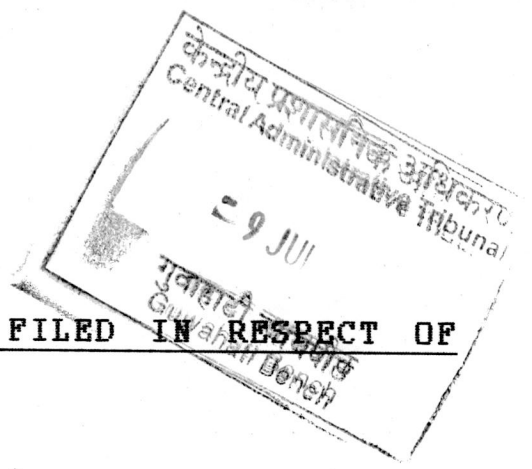
- (i) The transfer order issued being in violation of the Rules be set aside and quashed.
- (ii) The Respondents be Ordered/directed to transfer the applicant to a Station of his choice as per Rules since he has completed his tenure of service in North East.
- (iii) Cost of this application; and
- (iv) Any other Order/Orders, direction/directions which the Hon'ble Tribunal considers fit and proper in the circumstances of the case.

9) INTERIM RELIEF PRAYED FOR -

Pending final decision/disposal of the application, the applicant prays that the impugned transfer Order be stayed.

- 10) In the event of application being sent by registered post, it may be stated whether the applicant deserves to have oral hearing at the admission stage and if so, he shall attach a self addressed Post card or Inland letter, at which intimation regarding the date of hearing could be sent to him.

Asim Kumar Chakraborty



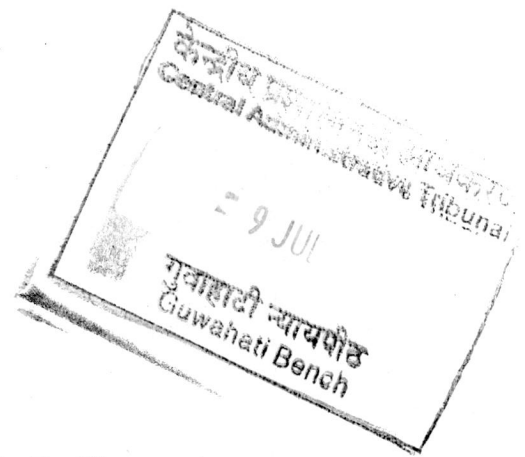
11) PARTICULARS OF POSTAL ORDER FILED IN RESPECT OF
THE APPLICATION FEE:

- (i) I.P.O. No. 39a 345204
- (ii) Amount: Rs. 50/- (Rupees Fifty) only.
- (iii) Name of the Post Office: G.P.O, Guwahati-1
- (iv) Date of Issue. 05-7-08.

12) LIST OF ENCLOSURES:

- 1. Application with Annexures.
- 2. Vakalatnama.
- 3. I.P.O. for Rs. 50/- only.

Asim Kumar Chakraborty



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

I, Dr. Asim Kumar Chakraborty, S/o. Sri. Adhir Chandra Chakraborty, aged about - 44 years, working as Scientist, Agricultural Statistics (under transfer) in the Office of the National Bureau of Soil Survey and Land Use Planning (ICAR) Regional Centre, Jamuguri Road, P.O. Borbhetta, Jorhat - 785004, Assam, Resident of: NERC of NBSS & LUP (ICAR), Jamuguri Road, Rouriah, Jorhat - 785004, Assam, in the District of - Jorhat, Assam, do hereby verify that the contents of Paragraphs 1 to 4, 6 to 7, and 10 to 12 are true to my personal knowledge and Paragraphs 5, 8, and 9 believed to be true on legal advice and that I have not suppressed any material fact.

Date: .07.2008

Asim Kumar Chakraborty

Place: Guwahati.

Signature of the Applicant.

Prepared in my Office

(Mrinal Kanti Nath)

House No. 86, Pubali Housing Co-op
Society, Lane No. 6, Borthakur mill Road,
Ulubari Guwahati - 7.

-11-

Annexure A1

NATIONAL BUREAU OF SOIL SURVEY & LAND USE PLANNING
AMRAVATI ROAD: SHANKAR NAGAR P.O.: NAGPUR-440010

F.No. 4-156/04-05/Adm/ 442516

RECEIVED

574

20 JUN 2008

Date: 9.6.2008

OFFICE ORDER

The Director, NBSS&LUP, Nagpur is pleased to transfer Dr. A.K. Chakraborty, Scientist from NBSS&LUP, Regional Centre, Jorhat to Regional Centre, Udaipur with immediate effect in public interest until further orders.

He will entitled to TTA / Joining Time etc. as per rules.

(Rakesh Kumar)

Senior Administrative Officer

Distribution:

1. Dr. A.K. Chakraborty, Scientist through Head, Regional Centre, Jorhat.
2. The Head, Regional Centre, Jorhat with a request to deliver a copy of the order to the individual for needful action.
3. The Head, Regional Centre, NBSS&LUP, Udaipur
4. The Deputy Director (Finance), NBSS&LUP, HQrs, Nagpur.
5. The Drawing & Disbursing Officer, NBSS&LUP, Jorhat with a request to send the LPC of concerned staff to his respective place of posting.
6. The Drawing & Disbursing Officer, NBSS&LUP, Regional Centre, Udaipur.
7. PS to Director for information.

Certified to
be true
copy
of original

Attested by
[Signature]
09/07/08

-12-

Annexure A1 (Contd)

NATIONAL BUREAU OF SOIL SURVEY AND LAND USE PLANNING (ICAR)
NER CENTRE :: JAMUGURI ROAD :: BORBHETA :: JORHAT-785004

NO.NER/ 225/4

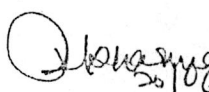
Date: 20/06/08

OFFICE ORDER

In terms of the Bureau's Office Order No.4-156/04-05/Adm/4425/6 dated 09/06/08 (enclosed) Dr. A.K. Chakraborty, Scientist, NBSS&LUP, Regional Centre, Jorhat is relieved today in the afternoon of 20/06/2008 to report for duties on transfer at NBSS&LUP (ICAR), Regional Centre, Udaipur.

In terms of the aforesaid order Dr. A.K. Chakraborty, Scientist is entitled to TTA, joining time etc.

Encl: As stated above.


(R.K. SHARMA)
ASSTT. ADMN. OFFICER

Distribution

1. Dr. A.K. Chakraborty, Scientist, NBSS&LUP, Regional Centre, Jorhat with the aforesaid letter. He may hand over the charges to the Asstt. Admn. Officer, NBSS&LUP, Regional Centre, Jorhat.
2. The Director, NBSS&LUP(ICAR), Shankarnagar, Nagpur-440010 for information
3. The Head of the Regional Centre, NBSS&LUP, Bohra Ganeshji Road, Udaipur-313001
4. The Drawing & Disbursing Officer, NBSS & LUP, Regional Centre, Jorhat/Udaipur.

Certified by
True copy of
original

Attested by
[Signature]
09/07/08

-13- Annexure A2

NATIONAL BUREAU OF SOIL SURVEY & LAND USE PLANNING
AMRAVATI ROAD: SHANKAR NAGAR P.O.: NAGPUR-440010

F.No. 4-156/04-05/Admn/10354/5

Date: 9.9.2005

NBSS & LUP

R.C. Jorhat-

Diary No. 1410

Date 15-9-2005

OFFICE ORDER

Consequent upon his transfer from CRIJAF, Barrackpore to NBSS&LUP, Nagpur vide Council's Office Order No. 35(41)/95-Per.1 dated 21.2.2005, Dr. Asim Kumar Chakraborty, Scientist (Agri/. Statistics) has joined his duties at Regional Centre, Jorhat in the afternoon of 23.8.2005 after having been relieved of his duties from CRIJAF, Barrackpore vide their office order No. E/Per/04-05/15147 dated 23.2.2005.

This issues with the approval of the Director.

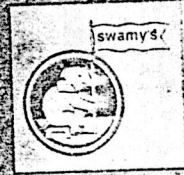
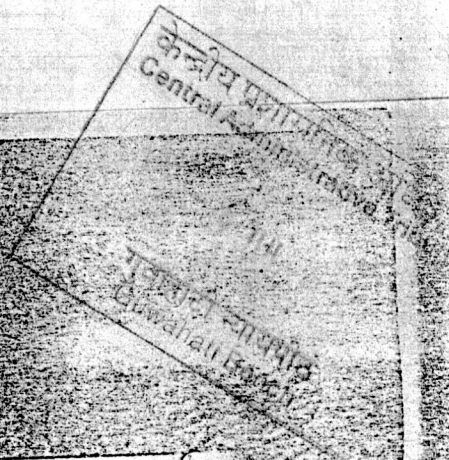
Senior Administrative Officer

Distribution:

1. Dr. Asim Kumar Chakraborty, Scientist through the Head, Regional Centre, Jorhat.
2. The Head, Regional Centre, NBSS&LUP, Jorhat.
3. The Sr. Finance & Accounts Officer, NBSS&LUP, Nagpur.
4. The Director, CRIJAF, P.O. Barrackpore, Kolkata-700120, W.B. for information.
5. The Drawing & Disbursing Officer, NBSS&LUP, Regional Centre, Jorhat.
6. The Under Secretary (P), Indian Council of Agril., Research, Krishi Bhawan, New Delhi for kind information with reference to Council's office order no. 35(41)/95-Per.1 dated 21.2.2005.

Certified to
be true copy
of original
Attested by
[Signature]
09/09/08

Annexure A3



Swamy's Handbook



muthuswamy

Certified copy of
book
Muthuswamy
02/01/68

(b) In addition, Government servants and families posted in the Region will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families (spouse and two dependent children) to travel to their Home Town or to the last place of duty from the station of posting or *vice versa* in an emergency. These additional passages will be admissible by the entitled mode and class of travel as for normal LTC.

(c) Travel by air.— Officers drawing pay of Rs. 13,500 and above and their families (spouse and two dependent children — up to 18 years for boys and 24 years for girls) may perform the above LTC journeys by air as below—

Officers posted in	Between stations
(i) North-Eastern Region	Imphal/Silchar/Agartala/ Aizwal/Lilabari and Kolkata
(ii) Andaman and Nicobar Islands	Port Blair and Kolkata/ Chennai
(iii) Lakshadweep	Kavaratti and Kochi.

3. Tenure

(a) Fixed Tenure—

- | | |
|---|-------------|
| (i) For staff with service of 10 years or less | Three years |
| (ii) For staff with more than 10 years of service | Two years |

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

(b) Station of choice on completion of tenure.— On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

4. Weightage for promotion, etc.

(a) Eligible officers shall be given due recognition in the matter of—

- (i) promotion in cadre posts;
- (ii) deputation to Central tenure posts; and
- (iii) courses of training abroad.

(b) The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

(c) Entry in CR.—A specific entry shall be made in the CR of all employees who render full tenure of service.

-16 -
Annexure AG

34 /

AGRICULTURAL SCIENTIFIC SERVICE RULE

transfer.

If a scientist transferred in accordance with this pattern to a station included in any of the Groups does not proceed on transfer or delays it for some reason or the other, his assessment for merit promotion or advance increments shall be deferred till he complies with the transfer orders. The period by which he delays the transfer will not be taken into account for computing the five years period of service for assessment.

9. Transfer committee

The transfer committee for inter institute transfer as approved by Director General will have the following officers at the Council's Headquarters.

- | | |
|---------------------------------------|-------------|
| (1) Director General, ICAR | .. Chairman |
| (2) Secretary, ICAR | .. Member |
| (3) Deputy Director General (S), ICAR | .. Member |
| (4) Deputy Director (Personnel), ICAR | .. Member |

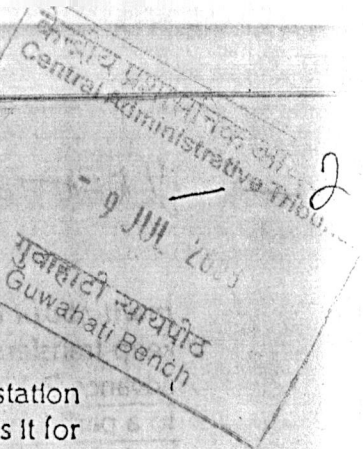
The transfer committee shall consider the question of transfers according to the above mentioned pattern and on the recommendations of the Committee. The orders of transfer will be issued at least two months in advance to enable the scientists to make preparations for their movement. Representations received from the scientists or from the Directors on this matter will be considered by the Council. For considering cases of transfers from Institute to regional stations and vice-versa a similar committee will be set up the Director of each Institute. Representations against transfers received from the scientists will be considered by the Institute.

(No.8-16/76-Per.IV dated 23.02.1981)

10. List of scientists eligible for transfer

By the 31st March every year, the Directors of the Institutes shall forward the Headquarters a list of scientists who have become eligible for transfer. The list need not contain the names of the scientists who can be transferred according to this pattern by the Directors themselves from the Regional Station/Centres to the Headquarters of the Institute and vice-versa. There should, however be uniformity in intra-institutional transfers.

*certified copy
of book
Attention
Mam
07/01/88*



Annexure AS

Fax 25/6/08

Page 1/13

25/6/08

27/6/08

To

The Honourable Director General, ICAR
& Secretary, DARE, Ministry of Agriculture, Govt of India
Krishi Bhavan, New Delhi 110 001

(Through proper Channel)

Sub : Appeal for consideration of staying the transfer order & request for choice of posting regarding..

Ref : Transfer order F. No. 4-156/Adm/4425/6 dt. 9.6.08 from the Director, NBSS & LUP, Nagpur received on 20.6.2008.

Honourable Sir,

Since 2005 I have been posted here at North East Regional Centre, Jorhat, Assam of NBSS & LUP. On 20.6.2008 I have received the above referred transfer order (enclosed) to report to RC Udaipur, Rajasthan.

In continuation to my earlier appeals to your kind honour, I place the following before you for your kind consideration so as to stay the said transfer order

1. That I have stayed here at this NE Regional Centre for last three years. In view of that I may request to consider one of these places for posting --(a) CRIJAF, Barrackpore, 24 Pgs (N), or (b) Regional Centre, Kolkata of NBSS & LUP, so that in collaboration with CRIJAF I could pursue research project
2. That during my stay at this North East centre, Jorhat, Assam I have not been allowed to take up any research work and Director, NBSS & LUP has refused to receive my project proposal. Rather the concerned officers have repeatedly asserted that there is no need of my discipline, Agril Statistics, in this institute and to resign from the service.

Further, Sir, I am in receipt of an unauthorized and improper relieve order on 20.6.08.

Sir, in anticipation of a favourable reply to my appeal from your kind honour I am not making preparation for movement from this centre and attending the office as usual.

With regards,

Faithfully yours,

Asim Kumar Chakraborty

(Asim Kumar Chakraborty) 21/6/2008
Scientist, Agril Statistics

01:15 PM

Enclosure: Transfer Order as above

Dated : NERC, Jorhat
21.06.2008

23/6/08 As the office refused to give the receipt acknowledgement copy it was speed posted to Head, NERC, Jorhat & (1) DG, ICAR, New Delhi on 23/6/2008

24/6/08

25/6/08

From Monday, 23/06/08, the Head, locked my sitting room & refused to open and on 24/06/08 allotted the same room to other Scientist who has occupied the same. I am staying in the quarters in the same office campus & waiting for your kind reply
Asim K. Chakraborty 25/6/08.

25/6/08.

This office has refused to forward the original application through proper channel (Page-3)

Asim K. Chakraborty
27/06/2008.