

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

✓ 29.7.2015
✓ 29.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

16/12/2008

1. Original Application No.

2. M/s Petition No.

3. Contempt Petition No.

4. Review Application No.

Applicant(s)..... *Pijush Kanti Dey* ...vs Union of India & Ors

Advocate for the Applicants..... *Dr. J. L. Sarkar*,
Mr. S. N. Tamuli

Advocate for the Respondent(s):.....

CGSC

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed P. T. No. 10/ depicted no. P. RD No. J.J.G. 404276 Dated 28/1/08	30.01.2008	Heard Dr. J. L. Sarkar, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents.
Dy. Registrar <i>29/1/08</i>		In terms of the order recorded separately. Application is disposed of
<i>29/1/08</i> Extra copies of the Application are submitted for issuing notices to the Respondents. <i>AS.</i>	<i>29/1/08</i> Lm	<i>JK</i> (Krushiram) Member (A)
<i>18/3/08</i> and file D/Nos 886 to 892 dd 1.2.08 <i>AS</i>		<i>MR</i> (M. R. Mohanty) Vice-Chairman

24.3.08

A letter dated 19.3.08
Received from Superintendent
(law) Customs Directorate,
Guwahati regarding in
O.A. No. 16/08, 17/08 and 18/08
The letter kept in 'A' file
at Flag 'A'.

*Ans
24/3/08*

Guwahati, 24/3/08. I have received your
letter and your enclosures. I appreciate
the concern you have for the same. I
will take up the matter with the concerned
officers and get back to you.

Yours truly
Ranjan K. Deka

Sub Inspector
Customs

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A. No.16 of 2008

Date of order: the 30th January, 2008

Shri Pijush Kanti Dey

Applicant

By Advocate: Dr.J.L.Sarkar

Versus

The Union of India & others ..

Respondents

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

**CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member [A]**

1. Whether reporters of local newspapers may be allowed to see the judgment or not? Yes/No
2. Whether to be referred to the Reporters or not? Yes/No
3. Whether to be forwarded for including in the Digest being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the judgment? Yes/No

Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. No.16 of 2008**

Date of Order: This the 30th January, 2008

**The Hon'le Shri Manoranjan Mohanty, Vice-Chairman,
The Hon'ble Shri Khushiram, Member [A]**

**Shri Pijush Kanti Dey
Working as Superintendent
Central Excise Hqrs. Audit Unit
Udyog Vikash Bhawan, 4th Floor
G.S.Road, Bhangagarh,
Guwahati-5.**

Applicant

By Advocate Dr. J.L. Sarkar

-versus

- 1. Union of India**
**Through Secretary, Ministry of
Finance, Department of Revenue,
Govt. of India, North Block,
New Delhi.**
- 2. The Chief Commissioner
Customs & Central Excise
Shillong Zone, Crescens Building
M.G.Road, Shillong-1.**
- 3. The Commissioner of
Customs [Preventive]
N.E. Region, M.G. Road,
Shillong-1**
- 4. The Commissioner of
Central Excise, Shillong
Morello Compound
M.G. Road, Shillong-793 001
Meghalaya.**

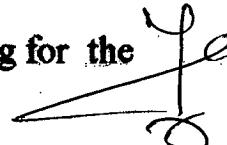
Respondents

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

ORDER [ORAL]

MANORAJAN MOHANTY, VIC-CHAIRMAN:-

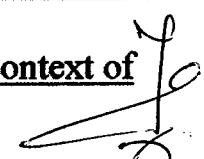
Heard Dr. J.L.Sarkar, learned Counsel appearing for the



Applicant and Mr. G.Baishya, learned Senior Standing Counsel for the Union of India; on whom a copy of this Original application has already been served. Also perused the materials placed on record.

2. The Applicant, a Superintendent of Central Excise and Customs, having faced transfer from the Commissionerate of Central Excise at Shillong to the Commissionerate of Customs [Preventive] NER, Shillong [vide order dated the 17th January, 2008 of the Chief Commissioner] and having been asked by another order dated 23.01.2008 to be posted in Dimapur Division of the said Commissionerate of Customs [Preventive] NER/Shillong; submitted a representation to the Chief Commissioner on 24.01.2008. Without waiting for result of the said representation, the Applicant has rushed to this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985; on the ground that while transferring him, the guidelines/transfer policy [pertaining to tenure of an employee at a particular station] has not been followed.

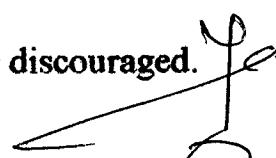
3. A copy of this Original Application has already been supplied to Mr. G.Baishya, learned Senior Standing Counsel for the Union of India, who, on placing his reliance on a judgment of Hon'ble Guwahati High Court [rendered in the case of Sheo Balak Singh vs. Union of India & others] reported in 2007[1] GLT page 943, stated that "strictly speaking, the concept of any 'tenure' of a civil servant in any particular location is a misnomer. There is no vested right in any civil servant to be posted in any particular location for any fixed duration of time. The concept of 'tenure' has to be understood in the context of



a minimum period of service in a particular station from the standpoint of the necessity of avoiding frequent and uncertain shifting of an incumbent from one place to another which is not conducive to a healthy system of administration. However, any 'tenure' has to give way to the needs of the organization."

Mr. Baishya also pointed out that the Apex Court of India in the case [of S.C. Saxena vs. Union of India & others, reported in [2006] 9 SCC 583, held that "a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and to make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed." Stating so, Mr. Baishya vehemently opposed very admission of the case.

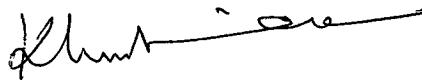
4. Faced with the aforesaid obstacles, Dr. J.L.Sarkar, learned Counsel appearing for the Applicant, drew our attention to second page of Annexure-E, dated the 23rd January, 2008; wherein it has pointedly been denied to entertain any representation in the matter of transfer and posting. We have heard the learned Counsel for the parties on this point. We are of the view that giving scope to the employees to represent their grievances and redressal of grievances of the employees being part of a healthy personnel management, the authorities ought not to have denied to entertain representations. Of course, repeated representations on the same issues should always be discouraged.

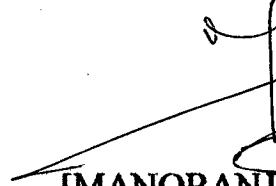


5. In the above premises, without entering into the merits of the matter, since the representation dated 24.01.2008 of the Applicant is stated to be still pending, this Original Application is hereby disposed of with a direction to the Respondents to consider the grievances of the Applicant, as raised in his representation under Annexure-G, dated 24.01.2008; and in the present Original Application.

6. With the aforesaid observations and directions, this Original Application is hereby disposed of, without being admitted.

7. Send copies of this order to the Respondents, along with copies of this Original Application. The Respondents shall also treat the copy of this Original Application, as part of the representation [of the applicant] to the Respondents and pass orders thereon. Free copies of this order be supplied to the learned Counsel appearing for both the parties.


[KHUSHIRAM]
ADMINISTRATIVE MEMBER


[MANORANJAN MOHANTY]
VICE- CHAIRMAN

cm

গুৱাহাটী বৰায়ণী
Guwahati Bench

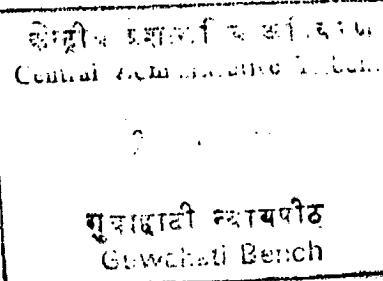
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. No.16...../ 2008
Shri Pijush Kanti Dey
Vs.
U.O.I. & Ors.

LIST OF DATES

Sl.no.	Particulars	Page No.
01.09.2004	The applicant posted as Inspector in the Office of the Central Excise, Hqrs. Audit Unit w.e.f. 01.09.2004 at Guwahati	
11.01.2008/ 15.01.2008	He was promoted by office order dated 11.01.2008 as Superintendent in the office of the Hqrs. Audit Unit Central Excise, Guwahati. He took charge w.e.f. 15.01.2008. His transfer and posting has been given effect to by Part-II of the order.	Annexure-C Para 4.5 & 4.9
17.01.2008	Order No. 03/2008 dated 17.01.2008 has been issued by the Chief Commissioner of Central Excise and Customs transferring the applicant to Commissionerate of Customs (Preventative), Shillong. Unfortunately he has been transferred as on promotion i.e. without application of mind because he was already promoted before the order of transfer. Applicant's name is against Sl.no. 34 in the said order.	Annexure-D Para 4.6
23.01.2008	The applicant has been posted on transfer by Order No. 04/2008 dated 23.01.2008 from Guwahati to Dimapur Division on the wrong act as if on promotion.	Annexure-E Para 4.7
	<p>As per policy/guidelines the tenure posting as Superintendent is 4 to 6 years. The tenure of the applicant as Superintendent commences from 15.01.2008. Therefore the transfer is in violation of the norms of transfer. Even for argument's sake (not agreeing) taking the posting of Inspector also applicant has not completed 4 years of service in a station.</p> <p>No substitute has been posted or ordered for posting against the applicant's present post. He is still continuing in his present post and has not been formally given the said order of transfer.</p>	

বিউন্ডেলক
বৰ্তমান
কার্যসূচী
স্ট. (G) S.C
(স্টেট প্রেসেন্টেন্ট
স্টেট অ্যাডভোকেট
কার্যসূচী
২৯/০১/০৮)

23.01.2008	The Association of the executive officers of which the applicant is a member has represented against the transfer order as violative of the transfer norms.	Annexure-F
24.01.2008	The applicant submitted representation dated 24.01.2008 to the Chief Commissioner of Customs and Central Excise, Shillong which is pending.	Annexure-G
	The applicant's children are reading in schools at Guwahati. He has old ailing parents (aged 85 and 80 years). The applicant submits that the order of transfer is discriminatory, result of pick and choose and in complete violation of the transfer guidelines of the respondents themselves.	
	The applicant prays for setting aside and quashing of the orders dated 17.01.08 and 23.01.08 in respect of the applicant and with interim prayer for stay of the operation of the said order with respect of the applicant.	



Filed by
 Somonu Nandam Tumuk
 Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

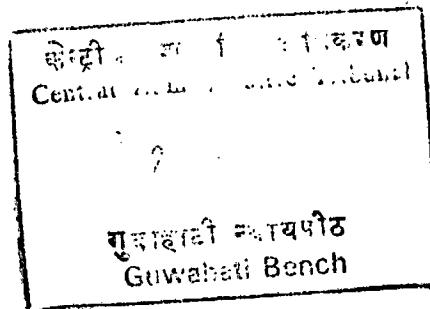
GUWAHATI BENCH, GUWAHATI

O.A. No.16...../ 2008

Shri Pijush Kanti Dey

Vs.

U.O.I. & Ors.



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Filed by

Santosh Nandini Tumli

(Advocate)

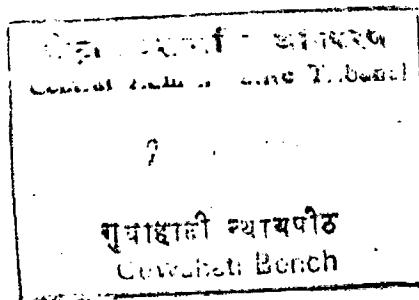
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act,

1985)

O.A. No. 16 /2008



Shri Pijush Kanti Dey

Working as Superintendent

Central Excise Hqrs. Audit Unit

Udyog Vikash Bhawan, 4th floor

G.S. Road, Bhangagarh,

Guwahati-5

..... **Applicant**

-- Vs --

1. Union of India

Through Secretary, Ministry of

Finance, Department of Revenue,

Govt. of India, North Block,

New Delhi

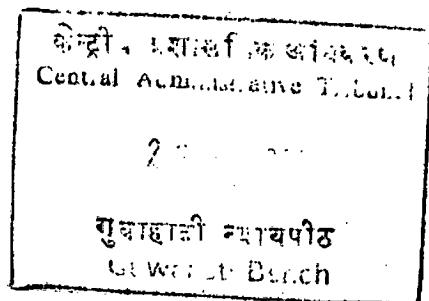
2. The Chief Commissioner

Customs & Central Excise

Shillong Zone, Crescens Building

M.G. Road, Shillong - 1

Application
of this
Tribunal
is
to
be
made
to
the
Central
Excise
Audit
Unit
at
Udyog
Vikash
Bhawan,
4th floor
G.S.
Road,
Bhangagarh,
Guwahati-5
Date
20/01/08



3. The Commissioner of
Customs (Preventive)
N.E. Region, M. G. Road,
Shillong – 1

4. The Commissioner of
Central Excise, Shillong
Morelly Compound
M.G. Road, Shillong – 793001
Meghalaya

..... **Respondents**

1. **PARTICULARS FOR WHICH THIS APPLICATION IS MADE:**

The application is made for enforcement of the Tenure of Posting as per Transfer Policy, System of Option and Guidelines of Transfer issued by Respondents from time to time, and against the office Order No. 03/2008 dated 17.01.2008 issued from the office of the Chief Commissioner of the Central Excise and Customs, Shillong Zone and Order No. 04/2008 dated 23.01.2008 issued by the Commissioner of Customs (Preventive), N.E. Region, Shillong.

Pijush Kant Dev

2. JURISDICTION:

गुरुदाहारी न्यायपीठ
Gurdaspur Bench

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

3. LIMITATION:

The application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

- 4.1 That the applicant is a Citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India.
- 4.2 That the respondents have formulated transfer policy of Group 'B' officers in North East Region after detail discussion in higher levels and keeping in view the instructions of the Ministry of Finance and minutes of various conferences and other discussions.

The following, inter-alia, are important basic principles in the said policy.

- (i) The general tenure in one station will be 4 to 6 years (Clause No. 3 of the Policy).

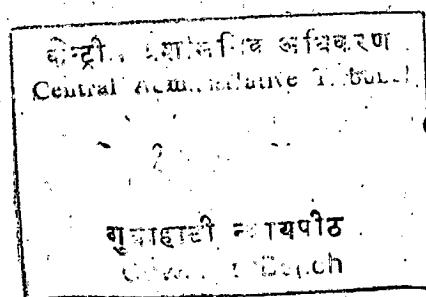
Pijush Kanti Dey

(ii) Period of stay in any one station/section/office will not be more than 2 years (Clause 4 of the Policy).

This Clause is operated in a manner that no officer during the tenure in a station shall be posted in a section/ office for more than 2 years i.e. after 2 years he would be posted in a different section/office in the same station / office which is called rotation in the station.

(iii) General transfers will be completed before 31st December of any Year and as far as possible effected by 31st January (Clause 10 of the Policy)

There are other Clauses also. Applicant begs to highlight the above policies as of particular relevance of his case. He craves for the liberty to refer to the other policies also at the time of hearing.



Copy of the policy circulated on 7.11.1996 is enclosed as **Annexure - 'A'**

4.3 That in the implementation of the policy the respondents have decided to consider option or Annual General Transfer of Superintendent/ Inspector. The guideline for such transfer have also been formulated and circulated for the benefit of the officers. The tenure for Superintendent is as under: -

(i). Continuous period of 4 to 6 years in the same station.

Pijush Kanti Dey

- (ii) Continuous period of 2 years in the same section/ office.
- (iii) Continuous period of 4 years in the same Commissionerate

Options in this respect should be considered for posting in
Central Excise / Customs.

কেন্দ্ৰীয় এক্সেছ এবং কুস্ত্ৰি
Central Administrative Tributary

Copy of a Circular dated 4.10.2004 indicating such
policy is enclosed as **Annexure-'B'**

4.4 That under the Chief Commissioner of Customs & Central
Excise/there are three Commissionerates: -

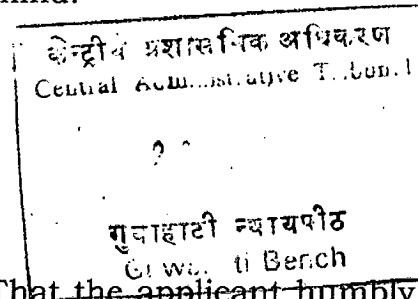
- (i) Central Excise Commissionerate Shillong, Shillong-1
- (ii) Central Excise Commissionerate Dibrugarh, Dibrugarh
- (iii) Commissionerate of Customs (Preventive), N.E. Region,
Shillong - 1

4.5 That the applicant is Group-'B' Gazetted Officer now working as
Superintendent of Central Excise, Hqrs. Audit Unit w.e.f.
15.01.2008 posted at Guwahati. This is under Commissionerate
of Central Excise, Shillong. It is stated that he was working as
Inspector w.e.f. 01.09.2004 in the said office under the said
Commissionerate. After due consideration of his earlier posting
he had been promoted as Superintendent and posted at said
office at Guwahati.

Copy of the office Order dated 11.01.2008
of promotion as Superintendent
is enclosed as **Annexure-'C'**

Pijush Kanti Dey

4.6 That while he was working as such in the promotional post of Superintendent under Central Excise Commissionerate, Shillong he was surprised to know that an office Order No. 03/2008 has been issued by the Chief Commissioner of Central Excise and Customs, Shillong Zone on 17.01.2008 transferring officers to Commissionerate of Customs (Preventive), Shillong in which the name of the applicant has also been included in the class as on promotion (Sl.No. 34). It is stated that on 17.01.2008 the applicant was already a Superintendent as explained in the previous paragraphs. The respondents included the name of the applicant in total disregard of the policy and guidelines of transfer. The stipulations of tenure posting in the policy/guidelines have not at all been taken into consideration. The mere fact that he has been considered as a transfer on promotion shows that the Order has been issued as regards the applicant without examination of the service records of tenure posting etc. and his transfer is the result of non application of mind.



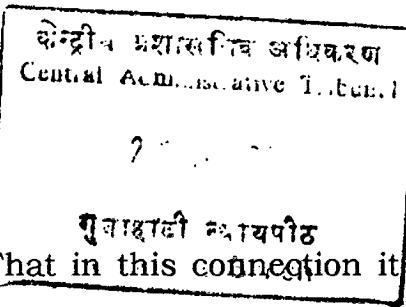
Copy of the order dated 17.01.2008
is enclosed as Annexure-D

4.7 That the applicant humbly states that the tenure of posting for Superintendent in a station is 4 to 6 years and not more than 2 years in a Section. The applicant's tenure as Superintendent started from 15.01.2008. There is no scope under the Policy/Guidelines for the transfer of the applicant as abide by the said Order dated 17.01.2008.

Pijush Kanti Dey

The applicant states that even if the posting as Inspector in the Commissionerate is taken then also his tenure shall not comprehend such transfer. But the applicant submits that his tenure as Superintendent starts w.e.f. 15.01.2008.

4.8 That by an Order No. 04/2008 dated 23.01.2008 following the Order dated 17.01.2008, the applicant has been shown as transferred on promotion to Dimapur Division. The applicant reiterates that he was already promoted as Superintendent by Order dated 11.01.2008 and he assumed charge on 15.01.2008 and as such he was already Superintendent w.e.f. 15.01.2008 and his transfer on promotion to Dimapur Division is a misnomer and camouflage. This shows total non application of mind and non consideration of records of the applicant as regards the posting / promotion.



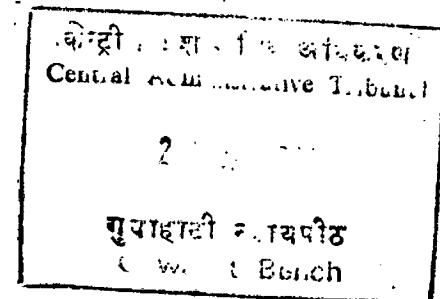
Copy of the Order dated 23.01.2008 is enclosed as Annexure - 'E'

4.9 गुवाहाटी न्यायपाठ
That in this connection it is stated that the matter of transfer and posting to different Commissionerates has already been considered and administratively decided by issuing specific order as Part-II in the Order of promotion dated 11.01.2008. (Annexure-C). The office Order dated 17.01.2008 and 23.01.2008 have been issued in total disregard of the administrative decision in Order dated 11.01.2008 of promotion, transfer and posting and in a colourable manner seeks to obliterate the effect of the said Order dated 11.01.2008. Malice-in-fact and Malice-in-law is explicit in the case.

Pijush Kant Dey

4.10 That the applicant has worked in various stations during his service and carried out the transfer order as a disciplined employee. He has served for seven years in Central Excise Stream at Upper Assam as well as for fourteen years in Customs in different places of N.E. Region, and Mumbai. He humbly states that he has been discriminated in the matter of transfer. There are officers who have not been disturbed from their place of posting under the transfer policy/ guidelines. Some examples are given only to highlight discrimination. Following are some of examples who have never been posted in Customs formation: -

1. Sri Biswajit Paul, Superintendent
2. Sri R. K. Sarkar, Superintendent
3. Sri R. K. Bora, Superintendent
4. Sri H. C. Kalita, Superintendent



The above names are illustrative and not exhaustive.

4.11 That it is stated that the Order dated 23.01.2008 shows that some representations were received from some officers which were considered and disposed of. The applicant does not know whose representations they considered and what were the representations. The applicant had no scope to give representation because he was not informed anything. This order also clearly directs that no further representation shall be entertained. Such an administrative order has clearly created 2 classes of officers, 1 having favoured with scope and another class denied with similar and equal scope. This is arbitrary and not just and fair administrative act. Moreover, clogging submission of representation by employee offends/ principles of natural justice and is denial of scope of redressal of grievances

Pijush kanti Dey

by the welfare state. The applicant has become victim of such illegal classification and denial of principles of natural justice. Such clogging of submission of representation is hostile and arbitrary and the order of transfer particularly in respect of the Central Government School applicant deserves to be set aside and quashed.

20

गुवाहाटी न्यायपीठ

4.12 That the son of the applicant is a student of Class X in Delhi Beach

Public School, Guwahati which is a private school where he had to be admitted with much troubles because no seat was available in the Kendriya Vidyalay, Khanapara. In the event of his transfer out of Guwahati the academic education of the son, Sri Arnob Dey shall be in jeopardy. He is not likely to get seat in other Central School because as per practice and procedure only students transferred K.V. is accommodated irrespective of number of seats. His daughter is reading in Euro Kinds, Bharalumukh Centre, Guwahati and her education will also be disturbed. That the applicant have parents both above 80 years of age and are suffering from old age diseases. They will remain uncared of in the absence of the applicant at Guwahati.

4.13 That the sufferings of the applicant would be due to the discriminatory order of transfer and which is also in violation of the prescribed norms.

4.14 That the applicant has not yet received the orders of transfer formally but has collected the same. It is stated that the intention of the policy is to enable the employers to have some time to manage the family affairs including the scope of education of the children.

Pijush Kanti Dey

The prescribed policy therefore declares publication of the transfer orders by 31st December but in the present case the order has been issued on 17th January and thereafter on 23rd January in violation of the transfer policy/guidelines putting the applicant to trouble not contemplated by the respondents' own guidelines.

4.15 That the applicant is still working in the present post and no substitute has yet been ordered to be posted in his place.

4.16 That the applicant has worked for 14 years in Customs.

4.17 That All India Association of Central Excise Gazetted Executive officers Association Customs and Central Excise, Shillong Zone, of which the applicant is a member has taken up the matter by representation dated 23.01.2008 and pursuing the same. The applicant has also submitted representation on 24.01.2008 enclosing details of his posting. Results of the same representations are awaited.

Copies of the representations are enclosed as **Annexure-'F' and 'G'** respectively.

5. GROUND WITH LEGAL PROVISIONS:

5.1 For that applicant is not due for transfer under the policy/guidelines prescribed by the respondents.

Pijush Kanti Dey

5.2 For that the transfer order is discriminatory because persons working in Central Excise for long period have not been transferred to Customs.

5.3 For that the order of transfer no 03/2008 dated 17.01.2008 and Order No. 04/2008 dated 23.01.2008 are perverse, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

5.4 For that the said transfer orders are the result of pick and choose policy and not just and fair.

5.5 For that the transfer orders as regards the applicant deserve to be set aside and quashed for non application ~~of minds by the~~
 केंद्रीय राजकारण विभाग
 Central Administrative Deptt.

2

गुरुदासी मायपीठ
 W. B. Deo, Ch

6. DETAILS OF THE REMEDIES EXHAUSTED

The applicant declares that there is no remedy under any rule, however he has filed representation dated 23.01.2008 to the Chief Commissioner, Customs & Central Excise, NER, Shillong.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT/TRIBUNAL.

The applicant declares that he has not filed any application/petition before any other Tribunal/Court and no such petition/application is pending before any Court.

8. RELIEF SOUGHT FOR:

Under the circumstances the applicant pray for the following reliefs.

Rajesh Kanti Dey

(i) The Order No. 03/2008 dated 17.01.2008 issued from the office of the Chief Commissioner of Central Excise and Customs, Shillong be set aside and quashed in respect of the applicant (Sl.no 34).

(ii) The Order No. 04/2008 dated 23.01.2008 issued by Commissioner of Customs (Preventive), N.E. Region, Shillong be set aside and quashed in respect of the applicant (Sl.no. 34).

(iii) Any other order/orders the Hon'ble Tribunal may be pleased to grant.

The above reliefs are prayed for on the grounds explained in Para 5 above.

9. INTERIM RELIEF PRAYED FOR:

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

(i) The operation of Order No. 03/2008 dated 17.01.2008 (Sl.no. 34) and Order No. 04/2008 dated 23.01.2008 (Sl.no. 34) be suspended/stayed as regards the applicant.

The above prayers are made on the grounds explained in Para 5 above.

10. The application is filed through advocate.

11. PARTICULARS OF POSTAL ORDERS:

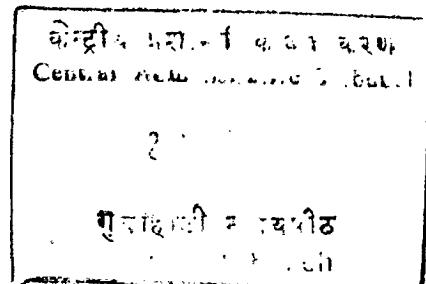
IPO No. : TTG 404276

Date : 28/01/08

Issued from : Shillong Post Office

Payable at : G P.O. Shillong

12. Annexures: As per the index.



Rajesh Kanti Singh

VERIFICATION

I, Shri Pijush Kanti Dey aged about 47 years, Son of Narayan Chandra Dey, a resident of Bishnupur, Guwahati-16 do hereby verify that the statements made in paragraphs 1, 4, 6, 7, 8, 9, 10, 11, 12 are true to my knowledge and those made in paragraphs 2, 3 and 5 are true as per legal advice and I have not suppressed any material facts.

AND I sign the verification this/...../..... day of January, 2008 at Guwahati.

Place: Guwahati

Date: 28/01/08

Pijush Kanti Dey

Signature

केन्द्रीय प्रशासनिक अधिकारी Central Administrative Officer
2
गुवाहाटी न्यायपीठ Guwahati Bench

TRANSFER POLICY OF GROUP 'B' OFFICERS IN NORTH EAST.

After a detailed discussion between the CCP, CCE and AC(Hqrs) alongwith various instructions of the Ministry and the last of which is F.No.A-35017/28/92-Ad:III.B dated 30th June, 1994, minutes of various conferences and other discussions it has been agreed to follow the following transfer policy among the Group 'B' officers in the North East.

1. Since the Commissionerates covers 7 (seven) North Eastern States with different ethnic background, Administration will follow as far as possible convenient Zone and areas so that officers are not unduly put to difficulties. However, these will not include transfers on Administrative grounds.

2. Before any general transfer, Group 'B' officers will submit a representation for -

- (a) Place of posting with reasons;
- (b) Option for Customs/Central Excise;
- (c) For any other deputation.

These representations will be received positively by 1st October of any year.

3. The general tenure in one station will be 4 to 6 years

4. Period of stay in any one station/section/office will not be more than 2 years.

5. Since the officers belong to a common cadre of Central Excise mainly, no officer will remain posted in Customs for more than 4 years.

6. The rotation in every 2 years will be from difficult to soft area and from sensitive to hard area.

7. Compassionate postings will be considered mutually bet the CCP and CCE and after satisfying the genuineness of the com ssion cases, transfer will be made if needs be. Such transfers on compassionate grounds must be addressed to DC/AC(P&V) and endorsed to both the Commissioners.

Handled
SUBINTENDENT
CENTRAL EXCISE
SOMAHEM-VII RANGE
GUWAHATI-6

Contd..... 2/-

20/12/1994
Central Excise & Revenue
Commissionerate

Shri Jagat Singh

8. Though Deptt. of Personnel & Training vide their letter dated 3rd April '86 have recommended posting of husband and wife together in one station, the area of jurisdiction being vast and the nature of work being different from general Administration only where there is absolutely any problem or difficulties transfers will be considered as per Ministry of Personnel guidelines.

9. Since the Commissioners are highly short staffed, cooling off period from any deputation as recommended by the Ministry will in future be enforced.

10. General transfers will be completed before 31st December of any year and as far as possible effected by 31st January.

11. Officers who are due to retire within 2 years will be retained/posted within and around their Home Town or places/stations requested by them.

Central Excise & Customs

Guwahati Bench.

Urgent
LALLUNGINEMA) 7/11
COMMISSIONER
CUSTOMS(PREV):NER:SHILLONG

(L.R. MITRA)
COMMISSIONER
CENTRAL EXCISE:SHILLONG

C. NO. II(7)5/ET. III/88/ 1674 - 95.

Dated: 7/11/96

Copy to :-

1. The Member(P&V)/(C. EX.)/(A.S.), Central Board of Excise and Customs North Block, New Delhi for kind information.
2. The Chief Commissioner(EZ), Customs and Central Excise, 15/1 Strand Road, Calcutta for kind information.
3. The Commissioner(Cus. Prev.), NER, Shillong for kind information.
4. The Deputy Commissioner(Cus. Prev.), NER, Shillong for kind information.
5. The Secretary, General, All India Federation of Central Excise Gazetted Executive Officers, 40A/1, J.K. Mitra Road, Calcutta for kind information.
6. The General Secretary, Group 'B' Executive Officers Assn., Customs and Central Excise, Shillong for kind information.
7. The Assistant Commissioner of C.Ex./Cus.(P), for information.

Attached

BUREAU
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI - VI
GUWAHATI - 781 006

(D. BHATTACHARYYA)

COMMISSIONER OF CENTRAL EXCISE
MORELLO COMPOUND
M.G. ROAD, SHILLONG

J-0364-2224751 / 2223030.

Fax: 91-0364-2223428 / 2226215.

E-Mail: cexshill@exclse.nic.in

.6)20/ET.III/95/ 29643-75

Dated:

04 OCT 2004

The Deputy/Assistant Commissioner
Central Excise Division

The Superintendent ()
Central Excise Hqrs. Office
Shillong.

Subject: Option for Annual General Transfer of Superintendent/Inspector - regarding.

The Annual General Transfer for 2004 of Superintendents and Inspectors posted in different formations and Headquarter Office of Central Excise Commissionerate, Shillong is proposed to be made in December 2004. The concerned officers who are due for transfer as per the accepted guidelines for transfer of this Commissionerate will be considered for transfer.

Briefly the accepted guidelines for transfer in respect of Superintendents/Inspectors are reiterated below for the benefit of the officers.

Superintendents who have completed their tenure as below will be considered for transfer:

- (i) In the same station for a continuous period of 4 (four) to 6 (six) years,
- (ii) In the same Section/Office for a continuous period of 2 (two) years, and
- (iii) In the same Commissionerate for a continuous period of 4 (four) years

Similarly, Inspectors who have completed their tenure will be considered for transfer:

- (i) In the Divisional Hqrs. Office for a continuous period of 6 (six) years,
- (ii) In the Ranges outside the Divisional Office for a period of 3 (three) years,
- (iii) In Central Excise Hqrs. Office for a period of 6 (six) to 8 (eight) years and
- (iv) In the same Commissionerate for a continuous period of 4 (four) years

Also, Superintendents and Inspectors of Shillong Central Excise Commissionerate who opts for Customs or Dibrugarh Commissionerate should send in the same Transfer Proforma.

It is therefore requested to forward the options of officers for posting in Central Excise and Customs in order of preference for next posting indicating the reasons thereof. Options in the prescribed proforma (enclosed) should reach this office on or before 31.10.2004. Options received after 31.10.2004 will not be taken into consideration for Annual General Transfer 2004. It is, therefore, requested to take personal initiative to send this office on or before the said date. While forwarding the proforma, it may be ensured that the same is duly verified by the Head of Office.

Please acknowledge receipt.

BC *BC*
J.C. (B. THAMAR)
ADDITIONAL COMMISSIONER (P&V)

Accepted
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI- V BRANCH
GUWAHATI-5

JAN-2008 16:53

CENTRAL+EXCISE+SHG

P. 01



**COMMISSIONER OF CENTRAL EXCISE
MORELLO COMPOUND
M.G. ROAD, SHILLONG**

Tel. 91-0364-2224751 / 2223030,

Fax. 91-0364-2223428 / 2226215,

E-Mail: cexshill@excise.nic.in

ESTABLISHMENT ORDER NO. 01/2008

DATED SHILLONG THE 11TH JANUARY 2008

**Subject: - Establishment promotion, transfer and posting in the grade of Superintendent Gr. 'B'
- order regarding.**

PART - I

PROMOTION

The following Inspectors of Central Excise and Customs are hereby promoted to the grade of Superintendent Gr. 'B' in the scale of pay of Rs. 7500-250-12,000/- with effect from the date they assume charges of higher post at their places of postings with immediate effect and until further orders:

1. Shri. Guru Prasad Das
2. Shri. Priyoram Doley (ST)
3. Shri. Niranjan Dhar
4. Shri. Amit Dutta
5. Shri. Pijush Kanti Dey
6. Shri. Biswajit Paul
7. Shri. Ajoy Ghosh
8. Shri. Pradip Kr. Mahanta
9. Shri. Sashi Prasad Gogoi
10. Shri. Dilip Kumar Sharma - I
11. Shri. Jagadish Ch. Rejbongshi
12. Shri. Ranendu Dutta
13. Shri. Hem Chandra Sharma
14. Shri. Kishore Ranjan Nath
15. Shri. Sukumar Goswami
16. Smti. Nani Bora
17. Shri. Sudip Kr. Dey
18. Shri. Shyam Sunder Joshi
19. Shri. Makbul H. Borbulya
20. Shri. Sinam Chittaranjan Singh
21. Shri. Thoudam Ng. Singh
22. Shri. Sisir Dey
23. Shri. Manindra Sarania (ST)
24. Shri. Nehru Pegu (ST)
25. Shri. Pankaj Das (SC)
26. Shri. Nil Kanta Baisya (SC)

केंद्रीय प्रशासनीय न्यायालय
Central Administrative Tribunal

गुवाहाटी न्यायालय
Guwahati Bench

15/01/08

26

However, this promotion is subject to the outcome of the review DPC to be conducted as per CAT, Chandigarh and Patna Benches judgement dated 05.05.2006 and 06.02.2007 communicated vide Ministry's letter F.No. A-32012/4/2000-Ad.II-B (Vol. IV) dated 25.04.2007 and the same has been kept in abeyance as per Ministry's letter dated 08.10.2007.

The officers are not entitled to get fixation of pay as they had already been granted financial upgradation under ACP Scheme vide Establishment Orders Nos. 125/1999 dated 02.11.99, 150/2001 dated 03.12.2001 and 52/2007 dated 02.07.2007 except the officer appearing at Sl. No. 26.

The seniority of the above officers in the grade of Superintendent will be fixed in the order shown above.

After fixed
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-VII (T/A)
GUWAHATI-781015

Contd. 2

The officer at Sl. No. 28 is hereby asked to exercise option within one month from the date of promotion as to whether his initial pay should be fixed in the higher post on the basis of FR 22 (I) (a) (1) straightway without any further review on accrual of increment in the pay scale of the lower post or their pay in promotion should be fixed initially in the manner as provided under FR 22 (a) (1) which may be refixed under the provisions of FR 22 (I) (a) (1) on the date of accrual of next increment in the scale of pay of lower post. Option once exercised shall be final.

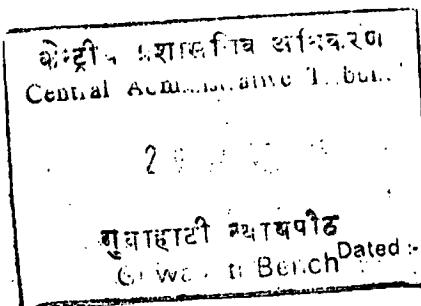
In the event of refusal of promotion they would be debarred from promotion for a period of one year.

NOTE: In the event of reversion of any officer(s) who is/are on deputation, or in the event of any Court's order the junior most officer(s) in the above promotion order will be reverted.

PART-II

TRANSFER AND POSTING

On promotion, the officers appearing at Sl. Nos. 1, 9, 10, 11, 13, 18, 24 and 25 are placed at the disposal of Commissioner, Central Excise, Dibrugarh whereas officers appearing at Sl. Nos. 20, 21, 22 and 26 are placed at the disposal of Commissioner, Customs(Preventive) and the rests are retained at their present places of postings.



Sd/-
(EVA M.R. HYNNEWTA)
COMMISSIONER

C.No.II(3)2/ET-III/2005

Copy forwarded for information and necessary action to:-

1. The Joint Secretary(Admn), Central Board of Excise and Customs, North Block, New Delhi - 110 002.
2. The Chief Commissioner, Customs and Central Excise, Shillong Zone, 'CRESCENS' Building, M.G. Road, Shillong -1.
3. The Commissioner, Customs (Preventive), NER, Shillong.
4. The Commissioner, Central Excise, Dibrugarh.
5. The Commissioner (Appeals), Central Excise, Guwahati.
6. The Narcotics Commissioner, Central Bureau of Narcotics, 19, The Mall, Morar (M.P.), Gwalior - 474 006.
7. The Additional Commissioner (A-E/Tech), Central Excise, Hqrs. Office Shillong.
8. The Joint Commissioner, Customs (Preventive), NER, Shillong.
9. The Assistant Commissioner(P&V), Central Excise, Dibrugarh.
10. The Deputy/Assistant Commissioner, Customs/Central Excise, _____ Division, Copy(S) meant for the concerned officer(s) is/are enclosed.
11. The PAO, Customs & Central Excise, Shillong.
12. The Superintendent, PLC/Tech, Central Excise Hqrs., Shillong.
13. The Superintendent, Central Bureau of Narcotics, Preventive and Intelligence Cell, B-10/31, Brahmaputra Apartments, Pathar Quarry, Narengrl, P.O. Udayan Vihar, Guwahati - 781 171. Copy meant for the concerned officer is enclosed.
14. P.A. to the Commissioner, Central Excise, Shillong.
15. Accounts/Personnel Appraisal Cell/CIU-Vigilance Branch/Computer Cell/Personnel Litigation Cell, Central Excise Hqrs. Shillong.
16. Shri/Smti. _____ for compliance.
17. The General Secretary Group 'B' Superintendents' Association, Customs & Central Excise, Shillong.
18. The General Secretary Group 'B' Non-Gazetted Officers' Association, Customs & Central Excise, Shillong.
19. Guard File.

Attested
b
- SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI - V
GUWAHATI

M. M. Anal
(M.M. ANAL)
JOINT COMMISSIONER (P&V)



OFFICE OF THE CHIEF COMMISSIONER OF CENTRAL
EXCISE AND CUSTOMS, SHILLONG ZONE
'CRESCENS' BUILDING
M.G. ROAD, SHILLONG

OFFICE ORDER No. 03/2008
DATED, SHILLONG THE 17TH JANUARY, 2008

The following officers in the grade of Superintendent of Customs & Central Excise are hereby transferred from the Commissionerate of Central Excise, Shillong and Dibrugarh to the Commissionerate of Customs (Preventive), N.E.H., Shillong as mentioned respectively against their names below:

Sl. No.	Name of the officer	Present place of posting	Transferred To
1.	Shri B. Shankar	Commissionerate of Central Excise, Dibrugarh	Commissionerate of Customs(Prev.), NER, Shillong
2.	Shri S. Ariniec	-do-	-do-
3.	Shri T.T.K Thang	-do-	-do-
4.	Shri U.K. Das	-do-	-do-
5.	Shri L. Simte	-do-	-do-
6.	Shri P.K. Salkia	-do-	-do-
7.	Shri P.L. Salkia	CC'S Office, Shillong	-do-
8.	Shri M.K. Brahma	CC'S office, Shillong	-do-
9.	Shri G.C. Mandel	Commissionerate of Central Excise, Shillong	-do-
10.	Shri K.N. Choudhury	-do-	-do-
11.	Shri G.N. Heloi	-do-	-do-
12.	Shri Alok Chatterjee	-do-	-do-
13.	Shri Kalzadal	-do-	-do-
14.	Shri A. Lywait	-do-	-do-
15.	Shri Dibekar Choudhury	-do-	-do-
16.	Shri Anshuman Chakraborty	-do-	-do-
17.	Shri K.C. Deka	-do-	-do-
18.	Shri N.M. Balseya	-do-	-do-
19.	Shri Jaydeep Dutta	-do-	-do-
20.	Shri N.K. Das	-do-	-do-
21.	Shri G.K. Bhuyan	-do-	-do-
22.	Shri B.C. Patir	-do-	-do-
23.	Shri. Thangchullo	-do-	-do-
24.	Shri B.K. Dab	-do-	-do-
25.	Shri B. Bhattacharjee	-do-	-do-
26.	Shri F. U. Fakir	-do-	-do-
27.	Shri K. K. Malakar	-do-	-do-
28.	Shri B. K. Bhattacharjee	-do-	-do-
29.	Shri T.M. Hartlong	-do-	-do-
30.	Shri P. Banerjee	-do-	-do-
31.	Shri Bikash Chakraborty	-do-	-do-
32.	Shri. C. Hauzel	-do-	-do-
33.	Shri. Guru Prasad Das	On Promotion	-do-
34.	Shri. P.K. Dey	-do-	-do-
35.	Shri. Ajoy Ghosh	-do-	-do-
36.	Smti. Nanl Bora	-do-	-do-

Affected.
✓
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-VII RANGE,
GUWAHATI-6

केंद्रीय शासन । २१ अक्टूबर
Central Govt. 21 October 1947

2

37.	Shri. S.K. Dey	do	do
38.	Shri. S.S. Joshi	do	do
39.	Shri. S.C. Singh	do	do
40.	Shri. M. M. Dey	do	do
41.	Shri. J.C. Robjongshi	do	do
42.	Shri. Sisir Dey	do	do

This issues with the approval of the Chief Commissioner of Central Excise & Customs, Shillong
Zone, Shillong.

The Commissioner, Customs (Provisional), is requested to issue posting order of
the above mentioned Superintendents.

30/—

(EVA M. R. HYNNEWTA)
COMMISSIONER

Accepted
R.
SUPERINTENDENT
CENTRAL EXCISE &
GUWAHATI
GUWAHATI

কেন্দ্ৰীয় মহা... ।	।
Central Administration, Guwahati	
২০/১/৯৪	
শুভাবৃত্তি স্বাক্ষৰ	
Guwahati Branch	



OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION
SHILLONG

केंद्रीय प्रशासनिक विभाग के लिए
Central Administrative Bureau

110 Mahatma Gandhi Road, Shillong - 793001, Meghalaya
Phone: 0364-2222597/2225325/2229005. Fax: 0364-2223440/2229007. E-mail: cusecbg@sancharnet

ORDER No.04/2008

Dated Shillong the 23rd January 2008

प्रधानमंत्री द्वारा दिए गए

Subject:- Transfer and posting in the grade of Superintendent, Group 'B' Officers of Customs (Prev.), Commissionerate, N.E.R., Shillong - order reg.

Consequent upon Inter-Commissionerate transfer and the placement of officers with the Commissionerate of Customs (Prev.), NER, Shillong vide Chief Commissioner's Office Order No.03/2008 issued under C.No. II(3)43/CCO/SH/2007/271 dated 17th January 2008, the following transfer and posting in the grade of Superintendent, Group 'B' officers of Customs (Preventive), Commissionerate, North Eastern Region, Shillong is hereby ordered with immediate effect and until further orders.

Sl. No	Name of Officers	Place of Posting	
		From	To
2	3	4	
1.	B. Shankar	Comm'te of C.Ex Dibrugarh	Shillong Division
2.	S. Ahmed	Comm'te of C.Ex Dibrugarh	Guwahati Division
3.	T.T.K.Thang	Comm'te of C.Ex Dibrugarh	Guwahati Division
4.	U.K.Das	Comm'te of C.Ex Dibrugarh	Dhubri Division
5.	L. Simte	Comm'te of C.Ex Dibrugarh	Dimapur Division
6.	P.K.Saikia	Comm'te of C.Ex Dibrugarh	Guwahati Division
7.	P.L.Saikia	CCO's Shillong	Hqrs. Shillong
8.	M.K.Brahma	CCO's Shillong	Hqrs. Shillong
9.	G.C.Mandal	Comm'te of C.Ex Shillong	Dhubri Division
10.	K.N. Choudhury	Comm'te of C.Ex Shillong	Dhubri Division
11.	G. N. Haloi	Comm'te of C.Ex Shillong	Shillong Division
12.	Alok Chatterjee	Comm'te of C.Ex Shillong	Guwahati Division
13.	Kaizadal	Comm'te of C.Ex Shillong	Dimapur Division
14.	A. Lywait	Comm'te of C.Ex Shillong	Aizawl Division
15.	Dibakar Choudhury	Comm'te of C.Ex Shillong	Hqrs. Shillong
16.	Anshuman Chakraborty	Comm'te of C.Ex Shillong	Hqrs. Shillong
17.	K. C. Deka	Comm'te of C.Ex Shillong	Dimapur Division
18.	N. M. Baishya	Comm'te of C.Ex Shillong	Dhubri Division
19.	" "	" "	" "
20.	N. K. Das	Comm'te of C.Ex Shillong	Hqrs. Shillong
21.	G. K. Bhuyan	Comm'te of C.Ex Shillong	Shillong Division
22.	B. C. Patir	Comm'te of C.Ex Shillong	Dimapur Division
23.	Thangchuiilo	Comm'te of C.Ex Shillong	Aizawl Division
24.	B. K. Deb	Comm'te of C.Ex Shillong	Agartala Division
25.	B. Bhattacharjee	Comm'te of C.Ex Shillong	Shillong Division
26.	F. U. Fakir	Comm'te of C.Ex Shillong	Hqrs. Shillong
27.	K. K. Malakar	Comm'te of C.Ex Shillong	Aizawl Division
28.	B. K. Bhattacharjee	Comm'te of C.Ex Shillong	Aizawl Division
29.	T. M. Hartlong	Comm'te of C.Ex Shillong	Hqrs. Shillong
30.	P. Banerjee	Comm'te of C.Ex Shillong	Shillong Division
31.	Bikash Chakraborty	Comm'te of C.Ex Shillong	Dimapur Division
32.	C. Hauzel	Comm'te of C.Ex Shillong	Aizawl Division

Attested

COMMISSIONER
CENTRAL EXCISE
SHILLONG

33. Guru Prasad Das	On promotion	Imphal Division
34. P. K. Dey	On promotion	Dimapur Division
35. Ajoy Ghosh	On promotion	Imphal Division
36. Nani Bora	On promotion	Guwahati Division
37. S.K. Dey	On promotion	Hqrs. Shillong Dimapur Division
38. S. S. Innhi S.C. Singh	On promotion	Dimapur Division
40. Thoudam Ng. Singh	On promotion	Aizawl Division
41. J. C. Rajbongshi	On promotion	Dhubri Division
42. Sisir Dey	On promotion	Agartala Division
43. D. M. Das	Aizawl Division	Guwahati Division
44. P. K. Phukan	Guwahati Division	Hqrs. Shillong
45. B. Dey	Guwahati Division	Dhubri Division
46. S. S. Nongbet	Shillong Division	Dhubri Division
47. J. Majumdar	Karimganj Division	Agartala Division
48. S. Sharma	Shillong Division	Hqrs. Shillong
49. S. K. Dutta	Shillong Division	Karimganj Division
50. B. Bhattacharjee	Agartala Division	Karimganj Division
51. A. K. Choudhury	Appeal Br. Hqrs. Shillong	Guwahati Division

Officers mentioned above should be relieved by 31st January 2008. All representations have been considered and disposed off and no further representation shall be entertained. The Divisional AC/DC should send compliance reports regarding relieving and joining of the above officers to the undersigned by 15th February 2008 by Fax.

Officers mentioned in order No. 02/2008 dated 17th January 2008 and Order No. 04/2008 dated 17th January 2008 issued by Chief Commissioner's Office, Shillong Zone, communicated under C.No. II(3)43/CCO/SH/2007/268 and 274 dated 18.01.2008, should be relieved positively by 31st January 2008.

Sd/-

(R. D. Negi)

Commissioner.

Dated:-23.01.2008

C.NO.II (3)8/Hqrs.Esty/SH/2007 / 10841-916(A)

Copy forwarded for information and necessary action to:-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone, Shillong.
2. The Commissioner of Central Excise (Appeal), Shillong/Dibrugarh/Guwahati.
3. The Addl./Jt. Commissioner (P&V)/Tech/CC's Unit Customs & Central Excise, Shillong.
4. The Deputy/Assistant Commissioner of Customs /Central Excise Division

(Copy meant for the concerned officer is/are

enclosed for delivery) and (Copy of order No.2/2008 and 4/2008 also enclosed).

5. The Pay & Accounts Officer, Customs & Central Excise, Shillong.
6. The A.C.A.O. (Accounts), Customs Hqrs. Office, Shillong.
7. The Superintendent, SIU-Vig. Branch, Customs Hqrs. office, Shillong.
8. The Branch-in-charge, ET-I / Confld / CIU -cum-VIG of Customs & Central Excise, Shillong.
9. Shri/Smt P. L. Saikia : Superintendent, for compliance.
10. The General Secretary, Group 'B' (Fir) Officers' Association, Guwahati.
11. Guard File.

Guwahati Sub-Division
Guwahati Bench

15.01.2008

(M. L. Jyoti)

Administrative Officer (Estd.)

Affected
b
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-VII RANGE
GUWAHATI-5

ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED EXECUTIVE OFFICERS
ASSOCIATION CUSTOMS & CENTRAL EXCISE SHILLONG ZONE

To,

The Commissioner of Central Excise (Cadre Control Authority)
Shillong.

केन्द्रीय धरानी अधीक्षण
Central Administration
2

Subject: *Inter Commissionerate Transfer of Superintendents* - Regarding.

Madam,

With deep anguish, this association would like to inform your kind self that inspite of our repeated requests and efforts we failed to get a copy of the latest Inter-Commissionerate placement order on the ground that it is very "confidential". This association fails to understand how a transfer posting order can be regarded as confidential. It is really painful to find that in the era of "Right to Information Act", when the Govt. has also decided to encourage transparency this association is denied an official copy of the above referred order.

That Madam, you will kindly recall that on 17th instant the representatives of this association met you at your chamber to apprise you about the delay in bringing out the Annual General Transfer Order and requested you to consider only representations and options (if exercised as per norms) since in most of the places new academic sessions have already started. You have also been informed that some unofficial information about the placement order received by the members of this association and on the basis of that information the following discrepancies/lacunae are hereby brought to your kind notice for redressal before the Annual General Transfers are issued.

- (i) That Madam, the Superintendents who did not complete their tenure of "minimum six years" in the Central Excise Commissionerate as per transfer policy were handed over to the Customs and vice-versa.
- (ii) Some of the senior officers were retained in the existing Commissionerates where they are working now.
- (iii) Some of the officers who were never posted to the Customs Commissionerate are not considered, thereby violating the spirit of the existing transfer policy, which envisages: "give equal opportunity to all the officers in Customs, Central Excise and Service Tax."
- (iv) Representations on extreme medical/ humanitarian grounds are ignored in some cases.
- (v) In some cases it is also found that the officers who are recently posted in a particular station are placed in the above referred order thus jeopardizing their normal tenure of posting in that particular station.
- (vi) That Madam, the above submission is made on the basis of unofficial information available with us in the absence of the official order, which is denied to this Association on the ground that the same is confidential.

That Madam, this association is matured enough to understand the constraints and difficulties under which the transfer posting orders are issued in this part of the country comprising seven states with distinct and different identity, culture, educational curriculum and session etc. but still strongly believes that with right intention and human approach the problems can be atleast minimized.

Attested
No
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI VIVI PANGE,
GUWAHATI - 781 005

There is still scope to review the order before the posting orders are issued since this orders will not only affect the lives of the incumbents but also their families. This association is confident that your good self will definitely agree and appreciate the issues raised above and do the needful since prevention is always better than cure.

Yours faithfully,

Sel/-
(B. BHATTACHARJEE)
General Secretary

केन्द्रीय नियन्त्रण बोर्ड
Central Administrative Board

2008

गुवाहाटी नियन्त्रण
Guwahati Branch

Copy for information and necessary action to:-

(1) The Secretary, Sub-Central Committee, AIACEGEO (Superintendent), Central Excise, Dibrugarh Commissionerate.
He is further informed that the zonal meeting of the Federation will be held at Guwahati on 16.02.2008 as already discussed.

(2) The Zonal Secretary, Central Excise and Customs, AIACEGEO (Superintendent) Divisions.

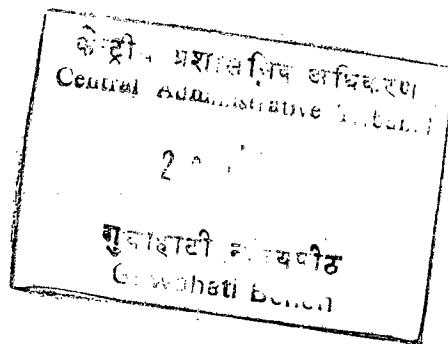
for me 22/01/08
(B. BHATTACHARJEE)
General Secretary.

After 2nd
16/01/08
SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-VI RANGE
GUWAHATI-5

To,

The Hon'ble Chief Commissioner,
 Customs & Central Excise,
 NER, Shillong.

Respected Sir,



Subject:- Prayer for retention in the present place of posting.

Most humbly and respectfully I would like to approach your honour with the following few lines for favour of your kind and sympathetic consideration.

1. That Sir, I was promoted to the grade of Superintendent Group 'B' vide Establishment order No.01/2008 dated 11th January ,2008 .
2. That Sir, the posting/placement was already decided by the competent authority vide order No. 01/08 dated 11-01-08 wherein clearly mentioned in Part -II of the said order that I was retained at the present place of posting i.e., Hqrs. Audit Unit, Central Excise, Guwahati.
3. That Sir, being retained in my present place of posting as Superintendent and in compliance to the said order I assumed the charge as Superintendent on 15th January , 2008 and functioning the assigned job of Superintendent in the Hqrs. Audit Unit, Central Excise, Guwahati.
4. That Sir, today suddenly while I have gone through the another transfer and posting Order No. 04/2008 dated 23-01-08 in the grade of Superintendent of Group 'B' officers of Customs(Preventive) Commissionerate, NER, Shillong wherein my name appears in Sl. No. 34 and posted to Dimapur Division. Seeing my name in this order I am surprised and mentally shocked.

Further,I would like to mention here that:-

- I. The above mentioned orders are themselves contradictory as because I I was retained in my earlier place of posting i.e., Hqrs. Audit Unit, Central Excise, Guwahati as per Order No. 01/2008 dated 11-01-08 where there was no any condition mentioned that I may be transferred immediately before completion of tenure of service in a place as formulated transfer policy.
- II. It is also unjustified that I was posted/retained in the Central Excise Commissionerate, Shillong vide Order No. 01/2008 dated 11-01-08, but it is not known how I have been posted again to Dimapur under Customs (Prev.) Commissionerate. NER, Shillong vide order No. 04/2008 dated 23-01-08 without any option from my part and following the formulated transfer policy.

A. H. Sarker
 SUPERINTENDENT
 CENTRAL EXCISE
 GUWAHATI BUREAU
 GUWAHATI-5

iii. Moreover consideration for acceptance of promotion by me was on the ground of retaining me at earlier place of posting i.e., Hqrs. Audit Unit, Central Excise, Guwahati.

Further I would like to mention here that I served for seven years in Central Excise at Upper Assam as well as for fourteen years in Customs in different places in N. E. R., and Mumbai, (copy of history of posting as annexure A is enclosed herewith for ready reference). However, I would like to highlight the name of some officers who never worked in Customs side, they are :- S/Shri 1. Biswajit Paul, 2. R.K. Sarkar, 3. R.K. Bora, 4. H.C. Kalita but still working in Guwahati Central Excise.

5. That Sir, my son is now studying class X and my parents are at feg end of their life. Without my physical presence my son's studies will be seriously hampered and my parents will be left uncared for as there is no other male member in my family.

In view of the above facts, you are requested to kindly review my transfer Order No. 4/2008 dated 23-01-08 and consider me to continue my job in the present place of posting for which I will remain ever grateful to you.

With profound regards.

Yours faithfully,

Sd/

(Pijush Kanti Dey)

Superintendent

Hqrs. Audit Unit, CEx, Guwahati.

Copy to

1. The Commissioner of Central Excise , Shillong for favour of kind consideration in the light of above contents.
2. The Commissioner of Customs (Prev) , Shillong for favour of kind consideration in the light of above contents .
3. The General Secretary , Group B Gazetted Officers Association , Guwahati Zone with a request to take up the issue before competent authority for fair ends of justice.

Enclo: Annexure 'A'

24-01-2008
Pijush Kanti Dey

Superintendent

Hqrs. Audit Unit CEx , Guwahati

Attested
A
—SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-1
GUWAHATI-5

Annexure A

History of posting since entry in service

Sl.No	Station/Branch	Post held	from	To
1	Moran range, [Dibrugarh] CEx Division	Inspector	24.04.1984	06.07.1990
2	Manu land Customs Station, [Agartala] Division	Do	07.07.1990	01.05.1992
3	Ferryghat Land Customs Station, [Karimganj] Customs Division	Do	02.05.1992	11.08.1994
4	Disposal Unit, [Karimganj] Customs Division	Do	11.08.1994	30.04.1996
5	Sutarkandi Land Customs Station, [Karimganj] Customs Division	Do	01.05.1996	18.06.1998
6	Technical Branch, [Karimganj] Customs Division	Do	19.06.1998	17.05.1999
7	APRO, [Guwahati] CEx Division	Do	18.05.1999	31.12.1999
8	C.S.I.Airport, Mumbai	ACO	01.01.2000	07.02.2002
9	[Shillong] CEx, Hqrs. office	Inspector	08.02.2002	12.03.2002
10	[Shillong] Customs (Prev) hqrs office	Do	12.03.2007	13.03.2002
11	[Guwahati] Customs Division& Joint commissioner customs's Cell	Do	14.03.2002	30.08.2004
12	Hqrs. Audit Unit, CEx, [Guwahati]	Do	01.09.2004	14.01.2008
13	Hqrs. Audit Unit CEx, [Guwahati]	Superintendent	15.01.2008	Till date

24-01-2008

Pijush Kanti Dey

Superintendent,

Hqrs. Audit Unit, Central Excise, Shillong

Attested

SUPERINTENDENT
CENTRAL EXCISE
GUWAHATI-781001
GUWAHATI-781001

