

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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R.A./CP/NO.....2015  
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17.7.2015  
SECTION OFFICER (JUDL.)

17.7.2015

FROM NO. 4  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 135 /2009

2. Mise Petition No \_\_\_\_\_

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

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

Applicant(s) Sri Rafique Uddin Barbhuiya

Respondent(s) Union of India & Ors.

Advocate for the Applicant(s): Mr. Adil Ahmed,  
Mr. N. Ahmed.

Advocate for the Respondent(s): CGSC

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 396408955 Dated 23.5.2009	21.07.2009	For the reasons recorded separately, this O. A. stands disposed of.
<i>M. K. Chaturvedi</i> Dy. Registrar 20.7.09	20.7.09	(M. K. Chaturvedi) Member(A)
<i>M. R. Mohanty</i> 20.7.09	20.7.09	(M. R. Mohanty) Vice-Chairman
4 copies of Application with envelope received for issue notices to the Respondents No. 1 to 4. Copy served.	21.07.09	
<i>20/7/09</i> Recd. order dated 21.07.09 N. Ahmed 21/7/09	21.07.09	

27.7.09

Copy of the order  
alongwith copy of  
the Application  
and to the D/sec  
for issue the same  
to the Respective Nodal  
and copy of the order  
to the Apprehend vs  
A/Adv. for the Respo

HS  
27/7/09

issue vide No 3999-4504  
dt. 22-2-09.

Q  
HS  
27/7/09

Issue of the memo no.

12810 to 12814 dt. 7.12.09

✓  
16.12.09

Issue of the memo no.

12810 to 12814  
dt. 7.12.09

Issue of the memo no.

✓  
Issue of the memo no.  
12810 to 12814  
dt. 7.12.09  
and issue of the  
order to the  
Apprehend vs  
A/Adv.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

Original Application No. 135 of 2009

Date of Decision : 21.07.2009

Shri Rafique Uddin Barbhuiya

..... Applicant/s

Mr. A. Ahmed, Mr. N. Ahmed

..... Advocate for the  
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

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

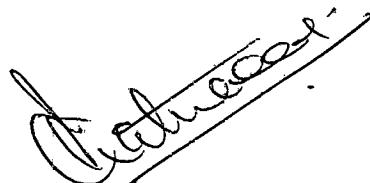
..... Advocate for the  
Respondents

CORAM

MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

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



Member /Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

O.A. NO. 135 Of 2009

Date of Decision : 21.07.2009

MR. M. R. MOHANTY, VICE-CHAIRMAN  
MR. M.K. CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Rafique Uddin Barbhuiya  
Son of Late Burhan Ali Barbhuiya  
Store Keeper (Technical)  
Office of the Director (Drilling)  
Drilling Division, Geological Survey of India  
North Eastern Region  
Shillong, PIN- 793003.

Applicant

By Advocate : Mr. A. Ahmed, Mr. N. Ahmed.

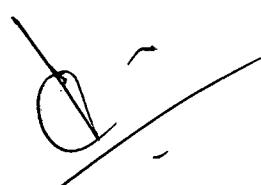
-Versus-

1. The Union of India  
Represented by the Secretary to the  
Government of India  
Ministry of Mines  
Shastri Bhawan, New Delhi  
PIN- 110001.
2. The Director General  
Geological Survey of India  
27 J.L. Nehru Road, Kolkata  
PIN- 700016.
3. The Deputy Director General  
Geological Survey of India  
North Eastern Region  
Shillong, PIN- 793003.
4. The Director (Drilling)  
Drilling Division  
Geological Survey of India  
North Eastern Region  
Nongrim Hills, Shillong  
PIN- 793003.

Respondents

BY Advocate : Mr. M. U. Ahmed, Addl. CGSC.

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b

O.A. No. 135 of 2009  
Oral Order  
Dated 21.07.2009

**MR. M.K. CHATURVEDI, ADMINISTRATIVE MEMBER :**

This Original Application is filed under Section 19 of the Administrative Tribunals Act 1985. The grievance as projected in the petition pertains to the transfer of the Applicant.

2. We have heard Mr. A. Ahmed, learned counsel appearing for the Applicant and Mr. M.U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents in the light of materials placed before us. The applicant was selected as Store Keeper in the Geological Survey of India (hereinafter referred to GSI) under the Ministry of Mines, Government of India through Staff Selection Commission. He joined on 30.06.1997 at General Store, GSI at N.E.Region, Shillong. In the month of August 1998 he was transferred to Drilling Division, GSI, NER, Shillong. Thereafter, he was promoted to the post of Assistant Store Keeper on 12.01.2005.

3. On 04.02.2008 he was promoted to the post of Store Keeper in the Drilling Division, GSI, Shillong.

4. By an order dated 23.06.2009 he was asked to go on transfer from Shillong ( in the State of Meghalaya) to Itanagar (Arunachal Pradesh) and by issuance of a corrigendum dated 29.06.2009 he was asked to go on transfer to Dimapur ( in the State of Nagaland) instead of Itanagar.



5. On 01.07.2009 the applicant submitted a representation which is stated to be still pending (with the Respondent No.3) undisposed.

6. It is submitted before us that the son of the applicant is a student of BBA course at Shillong College and his daughter is undergoing second level treatment for Pulmonary Koch's at NEIGRIM/Shillong. She is in class XII in Kendriya Vidyalaya, Happy Valley, Shillong. On these grounds it was prayed that the present transfer will adversely affect his family. It was also submitted that his daughter needs treatment at Shillong under medical advice. It is brought to our notice that several officials (as named under Annexure-2 dated 23.06.2009) have been allowed to continue at Shillong for long. It is submitted that despite genuine needs, the applicant was discriminated and, as such, applicant ought to have been allowed to continue at Shillong and justice be done.

7. Transfer is inevitable in Government service and "who will be posted where" dwells within the realm of the sole discretion of the authorities in control of the matter. However, it is incumbent on the concerned authorities to consider the genuine difficulties of the employee. Ex facie it appears that the representation made by the applicant has not yet been considered by the Respondents (especially by the Respondent No.3) in the right perspective.

8. We, therefore, in the interest of justice, without entering into the merits of the matter, direct the respondents (especially to

Respondent No.3) to give due consideration to the grievances of the applicant and pass a reasoned order. The Respondents are also directed to give adequate opportunity to the applicant of being heard and, until then, the order of transfer of the Applicant shall remain stayed.

9. With the above observations and directions the application is disposed of.

10. Send copies of this order to the Applicant and all the Respondents (along with copies of this O.A) and free copies be also supplied to Advocates of both parties.

*Patwari*  
 ( M.K.CHATURVEDI )  
 ADMINISTRATIVE MEMBER

*Yashwant*  
 21/07/09  
 ( M.R.MOHANTY )  
 VICE CHAIRMAN

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

(An Application Under Section 19 of the Administrative  
Tribunals Act 1985)

ORIGINAL APPLICATION NO. 135 OF 2009.

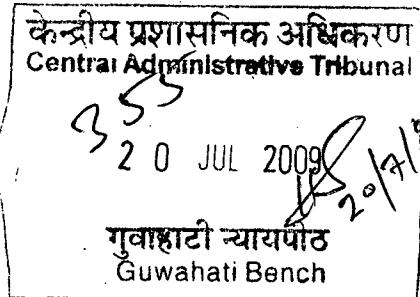
Shri Rafique Uddin Barbhuiya

...Applicant

- Versus -

The Union of India & Others

...Respondents



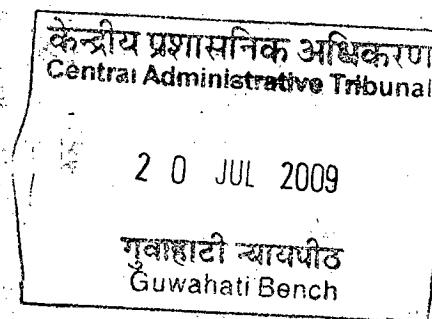
### SYNOPSIS

The Applicant was selected as Store Clerk in the Geological Survey of India (GSI) under the Ministry of Mines, Government of India through Staff Selection Commission and he joined on 30.06.1997 at General Stores, GSI, North Eastern Region (NER), Shillong. In the month of August 1998 he was transferred to Drilling Division, GSI, NER, Shillong. Thereafter he was promoted to the post of Assistant Store Keeper on 12.01.2005. On 04.02.2008 he was promoted to the post of Store Keeper in the Drilling Division, GSI, Shillong. He is staying at Shillong with his wife and two children. His son Rahul Alom Barbhuiya is doing his BBA course at Shillong College and his daughter Ms. Shahnaj Begum is studying at class XII in Kendriya Vidyalaya Happy Valley, Shillong. She is a patient of PULMONARY KOCH'S and is under second level treatment in the North Eastern Indira Gandhi Regional Institute of Health & Medical Science at Shillong. The attending doctor has informed the Applicant that she needs prolong treatment. On 23.06.2009 the office of the Respondent No.3 transferred the Applicant from Drilling Division, Shillong to MN Division, Itanagar. The effective date of the said transfer order is 31.07.2009. In the said transfer order out of total 6 (Six) Technical Stream official 4 (Four) has been transferred in the same station i.e. Shillong. Only the Applicant and another Technical Stream official has been posted out of Shillong. The office of the Respondent No.3 vide its corrigendum dated 29.06.2009 change the place of posting from MN Division, Itanagar, Arunachal Pradesh to MN Division, Dimapur, Nagaland. The Applicant on 01.07.2009 submitted a representation before the Respondent No.3 praying

Rafique Uddin Barbhuiya

for cancellation of his transfer on the ground that his daughter 2nd level treatment for PULMONARY KOCH'S is going on at North Eastern Indira Gandhi Regional Institute of Health & Medical Science at Shillong w.e.f. 25.06.2009. However, till date the Respondents have not considered the same.

Hence this Original Application for seeking justice in this matter.



Rabique Uddin Barobhuiya

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

(An Application Under Section 19 of the Administrative  
Tribunals Act 1985)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

ORIGINAL APPLICATION NO. 135 OF 2009.

Shri Rafique Uddin Ahmed

...Applicant

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES

30.06.1997      Applicant has joined as Store Clerk in  
Para 4.2           the Geological Survey of India, North Eastern  
                    Region, Shillong.

August 1998      Applicant was transferred to Drilling Division,  
Para 4.2           Geological Survey of India, North Eastern  
                    Region, Shillong.

12.01.2005      Applicant was promoted to the post of Assistant  
Para 4.3           Store Keeper.

04.02.2008      Applicant was promoted to the post of Store  
Para 4.3           Keeper (Technical), Drilling Division,  
                    Geological Survey of India, North Eastern  
                    Region, Shillong.

23.06.2009      The office of the Respondent No.3 issued  
Para 4.5           transfer order of Group 'B' non Gazetted and  
Annexure-2        Group 'C' Ministerial Staff of Geological  
                    Survey of India, North Eastern Region,  
                    Shillong.

29.06.2009      The office of the Respondent No.3 issued  
Para 4.6           a corrigendum of the said transfer order in  
Annexure-3        case of the Applicant place of posting from  
                    Itanagar to Dimapur.

01.07.2009      The Applicant submitted a detailed  
Para 4.7           representation before the Respondent No.3  
Annexure-4        through proper channel for the cancellation of  
                    his transfer order.

Rafique Uddin Barbhuiya

केन्द्रीय प्रशासनिक अधिकारपाल  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायपाठ  
Guwahati Bench

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

(An Application Under Section 19 of the Administrative  
Tribunals Act 1985)

ORIGINAL APPLICATION NO. 135 OF 2009.

Shri Rafique Uddin Barbhuiya

...Applicant

- Versus -

The Union of India & Others

...Respondents

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5	Copy of the Corrigendum No. 1067/ A-22015/5/84/Rectt/Vol.I dated 29.06.2009.	3	19
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Date: 20.07.2009

Filed By:

*Nuruddin Ahmed*  
Advocate

Rafique Uddin Barbhuiya

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

(An Application Under Section 19 of the Administrative  
Tribunals Act 1985)

ORIGINAL APPLICATION NO. 135 OF 2009.

BETWEEN

केन्द्रीय प्रशासनिक अदायकारा  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Shri Rafique Uddin Barbhuiya  
Son of Late Burhan Ali Barbhuiya  
Store Keeper (Technical),  
Office of the Director (Drilling),  
Drilling Division, Geological Survey  
of India, North Eastern Region,  
Shillong, PIN-793003.

...Applicant

-AND-

1. The Union of India,  
Represented by the Secretary to the  
Government of India, Ministry of  
Mines, Shastri Bhawan, New Delhi,  
PIN-110001.
2. The Director General  
Geological Survey of India,  
27 J.L. Nehru Road, Kolkata,  
PIN-700016.
3. The Deputy Director General  
Geological Survey of India,  
North Eastern Region, Shillong,  
PIN-793003.
4. The Director (Drilling)  
Drilling Division,  
Geological Survey of India,  
North Eastern Region, Nongrim Hills,  
Shillong, PIN-793003.

...Respondents

Rafique Uddin Barbhuiya

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FILED BY  
Shri Rafique Uddin Barbhuiya  
through Narendranath  
Sarkar  
20/07/2009

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

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

This application is made against the impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 issued by the office of the Deputy Director General, Geological Survey of India, North Eastern Region, Shillong whereby the Applicant was transferred from the office of the Director (Drilling), Shillong to MN Division, Itanagar, in the state of Arunachal Pradesh and subsequently vide Corrigendum dated 29.06.2009 his place of posting has been change from Itanagar MN Division, Arunachal Pradesh to MN Division, Dimapur, in the state of Nagaland.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

4) FACTS OF THE CASE

Facts of the case in brief are given below

4.1] That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2] That your Applicant begs to state that he was selected for appointment as Store Clerk in Geological Survey of India, under the Ministry of mines, Government of India

Rabique Uddin Barbhuiya

20 JUL 2009

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Guwahati Bench

through Staff Selection Commission Examination held in the year 1997. He was asked to join in the General Stores, Geological Survey of India (GSI in short), North Eastern Region (NER in short), Shillong and he joined on 30.06.1997. In the month of August 1998 he was transferred to Drilling Division, Geological Survey of India, North Eastern Region, Shillong.

4.3] That your Applicant begs to state that on 12.01.2005 he was promoted to the post Assistant Store Keeper in the GSI, Shillong. Thereafter he has been promoted to the post of Store Keeper (Technical) on 04.02.2008. Presently he is working as a Store Keeper (Technical) in the Drilling Division, GSI, Shillong. The post of Store Keeper (Technical) is non Gazetted Group 'B' post.

4.4] That your Applicant begs to state he is staying at Shillong with his wife and two children. His son Ruhul Alom Barbhuiya is doing his BBA course at Shillong College and his daughter Miss Shahnaj Begum is studying at class XII in the Kendriya Vidyalaya Happy Valley, Shillong. It is to be stated that his daughter Miss Shahnaj Begum is a patient of PULMONARY KOCH'S (it is one kind of T.B.) and she is under second level treatment in the North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences, Shillong. The attending doctor has informed the Applicant that his daughter needs prolong treatment.

Copies of Medical certificates is annexed herewith and marked as Annexure-1.

4.5] That your Applicant begs to state that the office of the Deputy Director General, Geological Survey of India, North Eastern Region, Shillong i.e. the Respondent No.3 vide impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 issued transfer orders against some officials working in different Division. In the said transfer order the Applicant name appeared in serial No.5

Rafique Uddin Barbhuiya

and he has been transferred from Drilling Division, Shillong to the MN Division, Itanagar. The effective date of the said transfer order is from 31.07.2009. The Applicant received the aforesaid transfer order on 29.06.2009. In the said transfer order from serial No.1 to 6 are Technical stream official of Geological Survey of India, NE Region, Shillong. Out of the aforesaid 6 (Six) Technical stream officials 4 (Four) has been posted in the same station i.e. Shillong. But the instant Applicant and another official one Md. Sikandar Ali, Assistant Store Keeper (Technical), Headquarter cell Shillong has been posted out to Itanagar and Agartala respectively from Shillong.

Copy of the impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 issued by the Respondent No.3 is annexed herewith and marked as Annexure-2.

4.6] That your Applicant begs to state that the office of the Respondent No.3 vide their Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 modified the Applicant place of posting from Itanagar MN Division, Arunachal Pradesh to MN Division, Dimapur, in the state of Nagaland. In the modification order it has been stated by the office of the Respondent No.3 that due to typographical mistake in the transfer order dated 23.06.2009 the corrigendum is issued and other information will remain same.

Copy of the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 is annexed hereunto and marked as Annexure-3.

4.7] That being aggrieved by the impugned transfer order the Applicant submitted a representation through proper channel before the Deputy Director General, GSI, Shillong praying for cancellation of the transfer order dated 23.06.2009. In

Rafique Uddin Barbhuiya

20 JUL 2009

गुवाहाटी न्यायपाठः  
Guwahati Bench

the said representation he has stated that his daughter is a patient of PULMONARY KOCH'S and is under going treatment at North Eastern Indira Gandhi Regional Institute of Health & Medical Science at Shillong. Now, she is taking 2nd level treatment w.e.f. 25.06.2009. As per advice of the Doctor, prolong treatment is required. Therefore, Applicant physical present is very much required with his daughter. Further she is a student of class XII and will be appearing Final Examination in the month of March 2010.

Copy of the representation dated 01.07.2009 submitted by the Applicant is annexed herewith and marked as Annexure-4.

4.8] That your Applicant submit that his case for cancellation of his transfer is genuine and need to be considered on the ground of his daughter's serious medical problem. At this stage if he is posted out of Shillong his daughter treatment will be discontinued as nobody is there to look after her. Her health condition will be further deteriorated. Presently she is in delicate stage and doctors who are attending her are trying their level best to improve her condition. As such, finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice into this matter and also with a prayer for Interim Order to stay the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009.

4.9] That your Applicant submit that in the transfer order dated 23.06.2009 out of 6 (Six) Technical Stream official 4 (Four) has been posted in the same station i.e. Shillong. Further, it is worth to mention here that some of the Technical Stream official has never been transferred from their place of joining. As for examples Smt Bijoya Dey (for last 28 years), Shri Debashish Deb (for last 20 years), Shri K. Wenkar (for last 21 years), Shri Anthony Nongrum (for

Rabique Uddin Barbhulya

last 19 years), Shri Lalsienthang Sinate (for last 19 years), Shri Rajendra Prasad Singh (for last 27 years) and Shri Prasanta Kumar Das (for last 12 years) who are working in Technical Stream has never been posted out of Shillong since their date of joining in GSI.

4.10] That your Applicant submits that the he has got reason to belief that the Respondents are resorting the colourable exercise of power only to accommodate their interested persons in favorable place.

4.11] That your Applicant submits that the Respondents have deliberately done serious injustice to him and put him into a great mental trouble and financial hardship.

4.12] That your Applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of Administrative justice.

4.13] That in view of the facts and circumstances narrated above, it is a fit case for this Hon'ble Tribunal to interfere with to protect the right and interest of the Applicant and his family by passing an appropriate Interim Order by staying the operation of the Impugned Order dated 23.06.2009 and 29.06.2009.

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

#### 5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, *mala-fide*, whimsical, arbitrary and without jurisdiction. Hence, the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 and with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated

Rafique Uddin Barhuiya

29.06.2009 in case of the Applicant is liable to be set aside and quashed.

5.2) For that, the daughter of the Applicant is a patient of PULMONARY KOCH'S and is under second level treatment in the North Eastern Indira Gandhi Regional Institute of Health & Medical Science at Shillong. As per advice of the Doctor, prolong treatment is required. Therefore Applicant physical present is very much required with his daughter. Hence, the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 and with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 in case of the Applicant is liable to be set aside and quashed.

5.3) For that, the Applicant daughter Miss Shahnaj Begum who is suffering from PULMONARY KOCH'S and also going to appear in Class XII examination from Kendriya Vidyalaya Happy Valley, Shillong. Therefore, at this stage the Applicant is posted out from Shillong then the study and the treatment of his daughter will definitely be hampered. Hence, the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 and with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 in case of the Applicant is liable to be set aside and quashed.

5.4) For that, the impugned transfer order dated 23.06.2009 out of 6 (Six) Technical Stream official 4 (Four) has been posted in the same station i.e. Shillong. Moreover, some of the similarly situated official working with the Applicant has never been posted out of Shillong since their respective date of joining. They are enjoying the same station at Shillong for last 12 years to 28 years. The Respondents have discriminated the Applicant by posting him outside of Shillong inspite of his genuine grievances. Hence, the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 and with the Corrigendum No.1067/A-

Rafique Hoddin Basbhuuya

22015/5/84/Rectt/Vol.I dated 29.06.2009 in case of the Applicant is liable to be set aside and quashed.

5.5) For that, Respondents being a model employer can not adopt discriminatory attitude towards the Applicant. The Respondents intentionally and deliberately transferred the Applicant from Shillong for their personal gain. Hence, the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 and with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 in case of the Applicant is liable to be set aside and quashed.

5.6) For that, the Respondents have violated the principle of natural justice as well as the fundamental rights of the Applicant guaranteed under the Constitution of India.

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

The Applicant craves 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 Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the Applicant further declares that he has not filed any application, Writ Petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition or suit is pending before any of them.

Rafique Uddin Barbhuiya

20 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

## 8) RELIEF SOUGHT FOR:

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

8.1) That the impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 issued by the office of the Respondent No.3 in the case of the Applicant is liable to be set aside and quashed.

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

8.3) To pay the cost of the application.

## 9) INTERIM ORDER PRAYED FOR:

At this stage the Applicant most humbly prays for an interim order before this Hon'ble Tribunal, to direct the Respondents not to implement the Impugned transfer Order No.584/A-22015/5/84/Rectt/Vol.I dated 23.06.2009 with the Corrigendum No.1067/A-22015/5/84/Rectt/Vol.I dated 29.06.2009 issued by the office of the Respondent No.3 in

Rafiqur Uddin Barohuiya

case of the Applicant till disposal of this Original application.

10) Application is filed through Advocate.

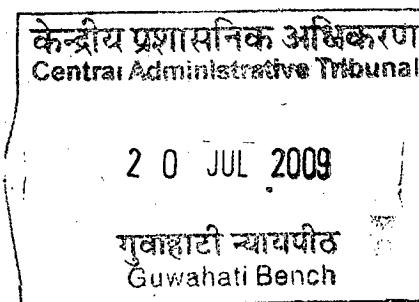
11) Particulars of I.P.O.:

I.P.O. No.	: 396 408959
Date of Issue	: 23.05.2009
Issued from	: Guwahati G.P.O.
Payable at	: Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification



Rafique Uddin Barbhuiya

20 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati BenchV E R I F I C A T I O N

I, Shri Rafique Uddin Barbhuiya, aged about 46 years, Son of Late Burhan Ali Barbhuiya, working as Store Keeper (Technical) in the office of the Director (Drilling), Drilling Division, Geological Survey of India, North Eastern Region, Shillong, PIN 793003 do hereby solemnly verify that the statements made in paragraph nos. 4.1 to 4.3, 4.4 (Partly), 4.7 are true to my knowledge, those made in paragraph nos. 4.4 (Partly), 4.5 to 4.6 — are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph No.5 are true to my legal advice. The 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 20<sup>th</sup> day of July, 2009 at Guwahati.

*Rafique Uddin Barbhuiya*  
DECLARANT

BETHANY HOSPITAL

NONGRIM HILLS, SHILLONG - 793003  
Phone No :: 2520300

Reference No : BHS12286/2009

Date : 25/06/2009

Patient : SHANAZ

Age : 18

Sex : Female

Address :

Index No :

Ref. By : Dr. A.Hussain MD

Investigation : C.E.C.T. Chest

Report :

PROTOCOL: Contiguous 5 mm axial spiral cuts were taken through whole thorax from apex to diaphragmatic level on multi slice spiral C.T.

Trachea and major bronchi are normal.

There are multiple small ~1.0 cm necrotic prevascular, right para-tracheal, precarinal and subcarinal nodes. Necrotic left hilar node also seen.

Heart and great vessels of mediastinum are normal.

No evidence of pleuro-pericardial effusion.

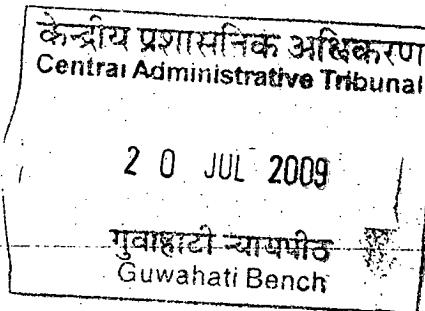
There are multiple large irregular cavitary lesions seen in apico-posterior segment of left upper lobe, superior segments of both lower lobes with surrounding dense consolidation. In addition diffuse centrilobular and air space nodules are seen in both upper lobes.

Soft tissues of chest wall are normal.

and left hilum

**IMPRESSION :** Mediastinal necrotic lymphadenopathy.

Bilateral upper lobe diffuse air space and centrilobular nodules with large cavitary lesions in left upper lobe and both lower lobes (superior segments) as described suggestive of active pulmonary koch's.



Dr.Baphira Wankhar MD(PGIMER)  
Consultant Radiologist

ATTESTED

ADVOCATE

— 13 —

# BETHANY HOSPITAL

NONGRIM HILLS, SHILLONG - 793003

Phone No : 2520300

Reference No : **BHS12284/2009**

Bill Date : **25/06/2009**

Patient : **SHAHNAZ**

Age : **18**

Referenced By :

Sex : **Female**

TEST(S)	RESULT(S)	METHOD(S) REFERENCE VALUE(S)
---------	-----------	---------------------------------

### Report On Clinical Pathology

**Sputum AFB**

Acid Fast Bacilli seen [++]

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Consultant Pathologist  
Dr. RA Chyne MD, DCP (CMC Vellore)

Consultant Microbiologist

Technician

ATTESTED  
ADVOCATE

— 14 —  
**BETHANY HOSPITAL**

NONGRIM HILLS, SHILLONG - 793003  
Phone No :: 2520300

Reference No : BHS12286/2009

Date : 25/06/2009

Patient : SHANAZ

Age : 18

Sex : Female

Address :

Index No :

Ref. By : Dr. A. Hussain MD

Investigation : C.E.C.T. Chest

Report :

PROTOCOL: Contiguous 5 mm axial spiral cuts were taken through whole thorax from apex to diaphragmatic level on multi-slice spiral C.T.

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No evidence of pleuro-pericardial effusion.

There are multiple large irregular cavitary lesions seen in apico-posterior segment of left upper lobe, superior segments of both lower lobes with surrounding dense consolidation. In addition diffuse centrilobular and air space nodules are seen in both upper lobes.

Soft tissues of chest wall are normal.

and left hilar

**IMPRESSION :** Mediastinal necrotic lymphadenopathy.

Bilateral upper lobe diffuse air space and centrilobular nodules with large cavitary lesions in left upper lobe and both lower lobes (superior segments) as described suggestive of active pulmonary koch's.

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Dr. Baphira Wankhar MD (PGIMER)  
Consultant Radiologist

ATTESTED  
ADVOCATE

-TYPED COPY-

**Dr. S. N. Chakrabarty**

Regd. No. 8753 (AMC)

AMA for Central Government Employees, Shillong.

Date.....

This is to certify that MS. SHAHNAZ BEGUM is suffering from PULMONARY KOCH'S is examined by me. She need prolong treatment for care better ment of her health condition. The course of treatment is for Six months.

Illegible

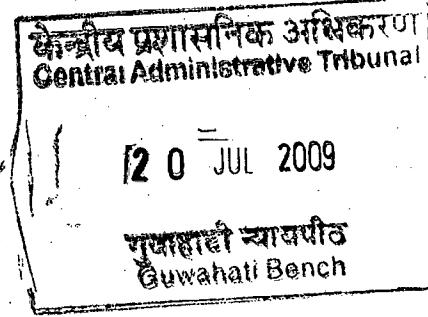
27.06.09

**Dr. S. N. Chakrabarty**

MBBS

Regd. No. 8753 (AMC)

A.M.A. FOR CENTRAL GOVT EMPLOYEES  
SHILLONG



ATTESTED  
W  
ADVOCATE

Dr. S. N. Chakrabarty

Regd. No. 8753 (AMC)  
AMA for Central Government Employees, Shillong.

Date: .....

This is to certify that MS. SHAHNAZ BEGAM is suffering from PULMONARY KOCH's & is examined by me. She needs prolong treatment for the betterment of her health condition. The course of treatment is for six months -

*S. N. Chakrabarty*  
27-06-09

Dr. S. N. Chakrabarty  
MBBS  
REGD NO. 8753(AMC)  
A.M.A. FOR CENTRAL GOVT. EMPLOYEES  
SHILLONG

केन्द्रीय प्रशासनिक अदिकारण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी आयोठ  
Guwahati Bench

Please bring this prescription on your next visit

ATTESTED  
ADVOCATE

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

## GOVERNMENT OF INDIA



Geological Survey of India,  
North Eastern Region,  
Lower Motinagar, Lumsohphoh,  
Shillong.

No. /A-22015/5/84/Rectt/Vol.I

Dated 23/06/2009

OFFICE ORDER

The following officials are hereby withdrawn from and posted to the Divisions/Sections on rotational transfer as shown against each with effect from 31/07/2009 until further order.

Sl. No.	Name & Designation	Present Place of posting	New place of posting
1	Shri A. Nongrum, SS(T)	MM Division, Shillong	E&T Division, Shillong
2	Shri K. Wankhar, SS(T)	E&T Division, Shillong	MM Division, Shillong
3	Shri Debasish Deb, SS(T)	Drilling Division, Shillong	Geophysics Division, Shillong
4	Shri P.K. Das, SK(T)	Geophysics Division, Shillong	Petrology Stores, Shillong
5	Shri R.U. Barbhuya, SK(T)	Drilling Division, Shillong	MN Division, Itanagar
6	Shri Md. Sikandar Ali, ASK(T),	HO Cell, Shillong	TM Division, Agartala
7	Smti. A. Dey, Superintendent	Accounts-I Section, Shillong	Accounts-III Section, Shillong
8	Shri P.L. Nag, Superintendent	Drilling Division, Shillong	Accounts-I Section, Shillong
9	Shri R.B. Dey, Superintendent	Assam, Guwahati	Opn : TM, Agartala
10	Smti. Tellimai Roywan, Assistant	Accounts-II(A) Section, Shillong	Accounts-I Section, Shillong
11	Shri B. Warbah, Assistant	Pension Section, Shillong	Party Bills Section, Shillong
12	Shri P.D. Singh, Assistant	Accounts-I Section, Shillong	Drilling Division, Shillong
13	Shri R.S. Das, Assistant	Drilling Division, Shillong	Accounts-I Section, Shillong
14	Smti. Regina Swer, Assistant	Accounts-II(A) Section, Shillong	Accounts-I Section, Shillong
15	Smti. Dorothy Wrial, Assistant	Accounts-I Section, Shillong	Accounts-II(A) Section, Shillong
16	Shri M. Lepden, Assistant	Opn: MN Division, Dimapur	Opn: AP, Itanagar
17	Shri C.R. Paul, Assistant	Accounts-I, Dimapur	Accounts-II Section, Dimapur
18	Shri G.K. Suanthang, Assistant	Account-II Section, Dimapur	Accounts-I Section, Dimapur
19	Shri K. Kharkongor, UDC	Party Bill, Shillong	Pension Section, Shillong
20	Smti. Eilien Syiemlieh, UDC	E/A Section, Shillong	Accounts-II(B) Section, Shillong
21	Shri Paul Basaiawmoit, UDC	Accounts-II(B) Section, Shillong	E/A Section, Shillong
22	Miss Dianghun Mawlong, UDC	Accounts-II(A) Section, Shillong	Accounts-I Section, Shillong
23	Smti. Dipali Palit, UDC	Accounts-I Section, Shillong	Accounts-II(A) Section, Shillong
24	Shri Pradeep Kuri, UDC	Table dealing with Budget Section, & Pension, Drilling Divn, Shillong	Table dealing with GPF TA Advance, Shillong
25	Smti. P. Kharsyntiew, UDC	Table dealing with GPF TA Adv., Shillong	Table dealing with Budget & Pension, Drilling, Shillong
26	Shri Aibor Jyrwa, UDC	Chemical Division, Shillong	Earthquake Geology Division, Shillong

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Sri RV Barbhuya, SK(T) p.

Drilling Division  
Diary No. 365  
Date 29-6-09

29/6

ATTESTED

ADVOCATE

27	Shri P. Joydeep Das, UDC	Drilling Division, Shillong	PGRS Division, Shillong
28	Shri T.B. Gurung, UDC	Drilling Division, Shillong	TCS Division, Shillong
29	Shri P.K. Das, UDC	TCD-I, Shillong	Accounts-I Section, Shillong
30	Smti. S. Langba, UDC	Accounts-III Section, Shillong	Recruitment Section, Shillong
31	Smti. Lalnuattuangi, UDC	Recruitment Section, Shillong	Accounts-III Section, Shillong
32	Shri Nanda Rai, LDC	MM Division, Shillong	Drilling Division, Shillong
33	Smti. Trishna Rai, LDC	Telephone Section, Shillong	E/A Section, Shillong
34	Smti. S.M. Lyngdoh, LDC	TCS, Shillong	Accounts-II(A) Section, Shillong
35	Smti. R. Marak, LDC	Env. Geology Division, Shillong	Accounts-III Section, Shillong
36	Shri H. Mawrie, Steno. Gr-I	TCD, Shillong	MGP Project STM, Shillong
37	Shri R.D. Chourasia, Steno. Gr-I	Hindi Section, Shillong	Chemical Divn and to attend Hindi works, Shillong
38	Shri H.S. Dhar, Steno. Gr-II	Opn:MN Division, Dimapur	Tech. Coordination Division, Shillong
39	Shri R.K. Shome, Steno. Gr-II	Assam, Guwahati	Opn:MN Division, Dimapur

This is issued with the approval of the Dy. Director General, Geological Survey of India, North Eastern Region, Shillong.

To,

Shri/Smt. *K. U. Barakhuja*

All pending PUCs/Registers/Ledgers/etc. may be handed over to the concerned Directors/AOs respectively.

*(K. Kharmalki)* 22/6/2009

Senior Administrative Officer & HO  
for Dy Director General

No. /A-22015/5/84/Rectt/Vol.I

Dated 23/06/2009

Copy forwarded for information and necessary action to :

1. The Director General, Geological Survey of India, CHQ, 27-Jawaharlal Nehru Road, Kolkata-700 016 [Kind attention : Chief Vigilance Officer].
2. The Director / Officer-In-Charge, Geological Survey of India, Opn : AP, Itanagar / Opn:MN, Dimapur / Opn:Assam, Guwahati / Opn:TM, Agartala.
3. The Director, Technical Coordination Division-I / Technical Coordination Division-II / Geodata Division / Map & Cartography Division / Drilling Division / Publication Division / Earthquake Geology Division / Chemical Division / Mineral Physics Division / Engg. & Transport Division / Materials Management Division / Petrology Division / Palaeontology Division / PGRS Division / Engineering Geology Division-I / Engineering Geology Division-II / LHZP / Geophysics Division / Instrumentation Division / MGP / MMIP / Environmental Geology Project, Geological Survey of India, North Eastern Region, Shillong.
4. The Administrative Officer Gr-I/II, Accounts-I Section / Accounts-II(A) Section / Accounts-II(B) Section / Accounts-III / Cash Section / Advance Section / Pension Section / Party Bill Section / E&A Section / Budget Section / Contingent Cell / Audit Section, Geological Survey of India, North Eastern Region, Shillong.

*(K. Kharmalki)*  
Senior Administrative Officer & HO  
for Dy Director General

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

20 JUL 2009

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गुवाहाटी न्यायालय  
Guwahati Bench

*Dr. Jyoti*

*ATTESTED*  
ADVOCATE

GOVERNMENT OF INDIA



1067  
No. /A-22015/5/84/Recit/Vol.I

Geological Survey of India,  
North Eastern Region,  
Lower Motinagar, Lumsohphoh,  
Shillong.

Dated 29/06/2009

Corrigendum

The rotational transfer in respect of Group-B (N/G) and Group-C Ministerial staff issued vide this office Order No. 580-658/A-22015/5/84/Recit/Vol.I dated 23/06/2009 may be read as under due to typographical mistake:-

- (1) The new place of posting in respect of Shri R.U. Barbhuya, SK(T) appeared at Sl.No.5 may please be read as 'MN Division, Dimapur' in place of 'MN Division, Itanagar'.
- (2) The name appeared in Sl.No.27 may please be read as 'Shri Joydeep Das' in place of Shri P. Joydeep Das.

Other information remains the same. Error is regretted.

To,

(1) Shri R.U. Barbhuya, SK(T),  
Drilling Division, GSI, NER, Shillong.  
(2) Shri Joydeep Das, UDC,  
Drilling Division, GSI, NER, Shillong.

*CKM* 29/6/2009  
(K. Karmalki)  
Senior Administrative Officer & HO  
for Dy Director General

No. /A-22015/5/84/Recit/Vol.I

Dated 29/06/2009

Copy forwarded for information and necessary action to :-

1. The Director General, Geological Survey of India, CHQ, 27-Jawaharlal Nehru Road, Kolkata-700 016 [Kind attention : Chief Vigilance Officer].
2. The Director / Officer-In-Charge, Geological Survey of India, Opn : AP, Itanagar / Opn:MN, Dimapur / Opn:Assam, Guwahati / Opn:TM, Agartala.
3. The Director, Technical Coordination Division-I / Technical Coordination Division-II / Geodata Division / Map & Cartography Division / Drilling Division / Publication Division / Earthquake Geology Division / Chemical Division / Mineral Physics Division / Engg. & Transport Division / Materials Management Division / Petrology Division / Palaeontology Division / PGRS Division / Engineering Geology Division-I / Engineering Geology Division-II / LHZP / Geophysics Division / Instrumentation Division / MGP / MMIP / Environmental Geology Project, Geological Survey of India, North Eastern Region, Shillong.
4. The Administrative Officer Gr-I/II, Accounts-I Section / Accounts-II(A) Section / Accounts-II(B) Section / Accounts-III / Cash Section / Advance Section / Pension Section / Party Bill Section / E&A Section / Budget Section / Contingent Cell / Audit Section, Geological Survey of India, North Eastern Region, Shillong.

*CKM*  
(K. Karmalki)  
Senior Administrative Officer & HO  
for Dy Director General

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केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

ATTESTED  
W  
ADVOCATE

To:

The Deputy Director General  
Geological Survey of India  
North Eastern Region  
Shillong

Date : 01-07-2009

(Through Proper Channel)

Sub : Prayer for Cancellation of Transfer.

Sir,

1. Please refer to the Deputy Director General, Geological Survey of India, North Eastern Region, Shillong, letter No. 584/A-22015/5/84/Rectt/Vol.I dated 23/06/2009 regarding my transfer to MM Division, Itanagar.
2. I have the honour to state that I have been transferred to MM Division, Itanagar, vide your letter under reference.
3. In this connection I would like to draw your kind attention for consideration to the fact that my daughter is a patient of "PULMONARY KOCH'S" and is under treatment from NEIGRIM, Shillong and taking the 2<sup>nd</sup> level treatment w.e.f. 25/06/2009. As per the advise by the doctor, a prolong treatment will be required. Being the father of the patient I must be always physically present with her.
4. Further, she is also a student of Class XII, and will be appearing for her class Board Final examination during March 2010. Which is also a turning point of her life.
5. Considering the above, I request you kindly to consider my transfer and cancel the same on sympathetic ground.
6. The necessary medical certificate is enclosed herewith for reference please.

Thanking you,

Yours faithfully

  
R.U. Barbhuiya  
Store Keeper (Technical)  
Drilling Division  
GSI, NER, Shillong

Drilling Division  
Diary No. 391  
Date 01-7-09

o/e

ATTESTED

ADVOCATE