

10

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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20/7/2015  
SECTION OFFICER (JUDL.)

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

ORDERSHEET

1. Original Application No: 59 /2009  
2. Miscellaneous Petition No                       
3. Contempt Petition No                       
4. Review Application No

Applicant(S) Surendra Nath Sahai

Respondant(S) M. U. I 9029

Advocate for the Applicant(S): M. Chandra, S. Nath  
Ms. Le. Dutta

Advocate for the Respondant(S): 6 C.G.S.C.

Notes of the Registrar	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>39.61.3927.95</u> Dated <u>28.9.08</u></p> <p>Dy. Registrar <i>[Signature]</i></p> <p>Steps incomplete Exces Rs st- deposited Copy served.</p> <p><i>[Signature]</i> 30/3/09</p>	<p>30.03.2009</p> <p>31.03.2009</p>	<p>Call this matter on 31.03.2009.</p> <p><i>[Signature]</i> (M.R. Mohanty) Vice-Chairman</p> <p>Heard Mrs.U.Dutta, learned counsel appearing for the Applicant and Mr.Kankan Das, learned Addl. Standing counsel for the Govt. of India, to whom a copy of this O.A. has already been supplied.</p> <p>Subject to question of limitation, issue notice to the Respondents requiring them to file their counter by 15.05.2009. <i>[Signature]</i></p> <p>Contd...</p>

Contd.  
31.03.2009

Copies of notices of this OA and MP 29/09 along with order dated 31/3/09 send to D/Sec. for issuing to resp. by regd A/D post.

Along with notice copies of this O.A. and M.P. No.29/2009 (for condonation of delay) to be also sent to the Respondents.

Call this matter on 15.05.2009.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

D/No-1699 to 1705

15.05.2009

On the prayer of Mr. K.K. Das, learned Addl. Standing Counsel appearing for the Government of India, call this matter on 22<sup>nd</sup> July 2009 awaiting written statement from the Respondents.

Send copies of this order to the Applicant and to the Respondents in the address given in the O.A.

  
(M.R. Mohanty)  
Vice-Chairman

On the prayer of Kankan Das, learned Addl. counsel for the Respondents, call this matter on 25.08.2009 awaiting written statement from the Respondents.

  
(M.K. Chaturvedi)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

Lm

22.07.2009

/bb/

Copies of order dated 15/5/09 send to D/Sec. for issuing to applicant and all the respondents by post.

D/No-2585 to 2592

DT: 21.5.09

Notice duly served on R-No. 5

18.5.09 NO. W/S biled 21.5.09

25.08.2009 Written statement is undertaken to be filed in course of the day. Mrs. U. Dutta, learned counsel appearing for the Applicant, seeks some time to file rejoinder.

Call this matter on 06.10.2009 awaiting rejoinder from the Applicant.

(M.K. Chaturvedi)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

/pb/

06.10.2009 In this case, written statement has already been filed by the Respondents.

Subject to legal pleas question of limitation, to be examined at the time of final hearing, this case is admitted.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A.

Call on 06/11/09

((M.R. Mohanty)  
Vice-Chairman

/lm/

06.11.2009 Reply has been filed. Thus, pleadings are complete.

Admit subject to question of limitation as ordered on 31.03.2009.

List for hearing on 03.12.2009.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

D/No-11791 to 11798 /bb/

12/10/09. Dt: 16-10-09

W/S filed.

5.11.09

5.11.09

Rejoinder has been filed to-day. The case is ready for hearing. 2.12.09

25.8.09  
W/S filed by  
The Respondents,  
Copy served.  
26/8/09

No rejoinder filed.

5.10.09

K. Das

Send copies of this order to the Applicant and the Respondents in the address given in O.A.

2/10/09

Copies of order dated 6/10/09 send to D/Sec. for issuing to the applicant and the respondents by post.

O.A. No. 59 of 2009

03.12.2009

Mrs. U. Dutta, learned counsel for Applicant states that Mr. M. Chanda, learned counsel for Applicant who <sup>has to</sup> argue the matter prays for adjournment due to his <sup>inability</sup> to attend Court today.

The case is ready for hearing.

ms  
8.1.2010

List on 11.01.2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/pb/

11.01.2010

On the request of Parties, adjourned to 10.02.2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/PB/

32.2010  
Reply to the  
Respondent filed  
by the Respondent  
4/3/2010

The case is ready for hearing.

ms  
9.2.2010

10.2.2010

List the matter on 30.3.2010.

(Madan Kumar Chaturvedi)  
Member (A)

/lm/

30.03.2010

On the request of both sides, adjourned to 05.04.2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

The case is ready for hearing.

ms  
29.3.2010

The case is ready for hearing.

ms  
1.4.2010

O.A. 59/2009

05.04.2010

It is stated that Mr.M.Chanda, learned counsel for the Applicant is unable to attend the Court for his personal difficulty. List the matter on 28.4.2010.

The case is ready for hearing.

27.4.2010 Im

(Madan Kr. Chaturvedi)  
Member (A)

(Mukesh Kr. Gupta)  
Member (J)

28.04.2010

Heard Mr M.Chanda, learned counsel for the applicant and Mr K.Das, learned counsel for the respondents. Reserved for orders.

(Madan Kr. Chaturvedi)  
Member (A)

(Mukesh Kr. Gupta)  
Member (J)

/pg/

04.5.2010

Judgment pronounced in open Court. Kept in separate sheets. Application is dismissed. No costs.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

Im

Received Copy  
Anupam Goswami  
Schooner  
17.05.2010  
Received copy  
for R. NO-7.  
(Superintending Eng. (Electrical))  
GHY-21.

12-5-2010

2/6/2010

Judgment/Final order dated  
4/5/2010 prepared and sent to the  
Dispatch Section for issuing to  
Respondents by post.  
vide No - 1246 to 1251  
dated - 03-6-2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 59 of 2009.

DATE OF DECISION: 04-05-2010.

Shri Surendra Nath Sahai

.....Applicant/s

Mr M. Chanda

.....Advocates for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)

THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER(A)

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 (J)/Member(A)

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

O.A. Nos. 59 of 2009

DATE OF DECISION : THIS IS THE 4th DAY OF MAY, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)  
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

Sri Surendra Nath Sahai  
Assistant Engineer (Electrical)  
Gauhati Central Electrical SubDivision  
Bamunimaidan  
Guwahati - 27, Dist- Kamrup, Assam.

...Applicant.

By Advocate: Mr. M. Chanda

-Versus-

1. The Union of India  
Represented by the Secretary  
To the Govt. of India  
Ministry of Urban Development, Nirman Bhavan  
New Delhi, Pin- 110011.
2. Director General of Works  
Central Public Works Department  
118-A, Nirman Bhawan  
New Delhi - 110011.
3. The Superintending Engineer (Elect)  
Patna Central Elect. Circle  
C.P.W.D., Patna Circle  
Patna, Bihar- 800001.
4. The Executive Engineer (Elect)  
Patna Central Elect. Circle  
C.P.W.D., Patna Circle  
Patna, Bihar- 800001.
5. The Assistant Engineer (Elect)  
Mokamaghat Central Elect. Sub-Division  
Central Public Works Department  
Mokamaghat, Patna - 800001.
6. The Superintendent Engineer (Co-ordination)  
C.P.W.D., Nizam Palace  
234/4, A.J.C. Bose Road  
17<sup>th</sup> Floor, M.S.O. Building, Kolkata - 700020.



7. The Superintending Engineer (Elect)  
C.P.W.D. Guwahati  
Central Electrical Circle  
Bamunimaidan, Guwahati – 781021.

...Respondents

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

### ORDER

#### MR MADAN KUMAR CHATURVEDI (A)

By this O.A applicant makes a request to quash the transfer order and set aside the order declaring the period from 27.9.2001 to 9.7.2004 as dies non.

2. The applicant was posted in Mokamaghat as Junior Engineer (E). He was then transferred to Imphal under Silchar Division vide order dated 12.7.2001. He was relieved from the Mokama Electrical Sub Division on 24.9.2001 and subsequently from Patna Electrical Division on 29.4.2001 with direction to report E.E.(E), SCED, Silchar for further posting. Applicant did not join his new place of posting at Silchar.

3. Consequent upon bifurcation of Eastern Region (B-I) and North Eastern Region (B-II) DGW SE (Co-ord) vide order dated 28.9.2001 directed that all transfer/posting orders of Junior Engineers from Eastern Region (Region B-I) to North Eastern Region (B-II) and vice versa already issued by this office but not implemented so far shall be kept in abeyance with immediate effect till further orders.

4. The applicant did not join in his new place of posting. He made a representation after a lapse of 8 months to the Superintending

*d.*

Engineer (Co-ord) ER on 25.5.02 for cancellation of his transfer order dated 12.7.2001. Applicant made five to six representations between May 2002 to June 2004 to S.E (Co-ord) without joining at the new place of posting. His representations were send directly to S.E.(Co-Ord) and were not routed through the concerned office. Finally S.E (Co-Ord) sent the applicant's case to Chief Engineer, ER for a suitable decision as Chairman of the hard case Committee. Chief Engineer (ER) decided that transfer order of SE (Co-ord) dated 12.7.01 be implemented. Since another JE has joined at Imphal in the meantime, SE (Co-ord) was further ordered to revise his posting within North Eastern Region. Accordingly SE (Co-Ord) revised his posting order on 31.5.2004 and posted the applicant at Guwahati.


5. The applicant then approached EE(E) Patna for his relieve. But his request was rejected on the ground that he was already relieved by their office on 27.9.2001. Finally applicant joined at GCED II at Guwahati on 12.7.2004. Thereafter he made representation for claiming payment of salary from 27.9.2001 to 9.7.2004 on the ground that he actually performed duty under PCED on verbal instruction of EE and continued to work beyond the date of relieve. The case was then referred to SE(E) Patna for investigation and report. As per the report of SE(E), applicant did not perform any work after being relieved from Mokama on 24.9.2001. As such salary for that period was not paid. He was asked to submit leave application for the period of absence for the sake of regularization but no such application was filed. Hence period

of absence from 27.9.2001 to 9.7.2004 was treated as dies non for all purposes.

6. Mr M.Chanda, learned counsel for the applicant submitted that the transfer and posting order dated 12.7.2001 was made during the middle of academic session of his children. Embargo was put on the transfer consequent upon creation of North Eastern Region as a separate Co-ordinate region vide office memorandum dated 18.9.2001.

7. It was stated that although the transfer order was issued on 12.7.2001 directing the applicant to report at Imphal Sub Division office of the CPWD, however, no relieve order was issued. Meanwhile O.M. dated 18.9.2001 interdicted such transfer. With the issuance of direction for transfer it was declared that all transfers from Eastern Region and vice versa would fall in the category of inter regional transfer. Conditions were stipulated for allotment of transfer of the existing clause in B-I and B-II region. Applicant was directed vide office order dated 24.9.2001 to hand over the charge to Shri P.K.Pal, JE immediately if the same was not handed over already. According to learned counsel after issuance of O.M. dated 18.9.2001, AE Mokamaghat has no jurisdiction to issue release order.

8. Mr K.Das, learned Addl.C.G.S.C appearing for the respondents, submitted that applicant disobeyed the transfer order by not reporting at his new place of posting. Adverting to the bifurcation of Eastern Region and order passed consequent upon thereto learned counsel stated that only those orders which were not implemented upto



28.9.2001 were required to be kept in abeyance. The applicant was relieved on 24.9.2001 from the Sub Division and on 27.9.2001 by Division as such order dated 28.9.2001 is not applicable in the context of the present case. Instead of joining his new place of posting applicant made representation after a lapse of 8 months on 25.5.2002 for cancellation of his transfer order. Applicant did not do any work beyond the date he was relieved from the Mokamaghat on 24.9.2001 as such there is no question of payment of salary from 1.10.2001 to 9.7.2004.

9. Applicant defied the orders by not joining the new place of posting. This made him liable for strict disciplinary action and even called for service break. However, taking a lenient view in the matter it was ordered that the period of absence from duty may be regularized as per rules. Ex consequenti applicant was asked to submit application for the period of absence which he failed to comply. Hence the period of absence from 27.9.2001 to 9.7.2004 was rightly treated as dies non for all purposes.

10. We have heard the rival submissions in the light of materials placed before us and precedent relied upon. The relevant portion of office order dated 28.9.2001 bearing F.No.21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dated 28.9.2001 reads as under :

"Consequent to the bifurcation of Eastern Region (Region 'B') in to Eastern Region (Region B-I) and North Eastern Region (Region B-II) vide DGW, CPWD, New Delhi's O.M. No.14/2/91-ECTV(C) dated 18.9.2001 and instructions contained therein that all transfers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa will fall




in the category of Inter Regional Transfers. It is hereby ordered that all transfer/posting orders of Group 'C' and Group 'D' staff including the Junior Engineers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa already issued by this office but not implemented so far, shall be kept in abeyance with immediate effect till further orders."

10. It is made clear in the aforesaid order that transfer orders already issued but not implemented so far shall be kept in abeyance with immediate effect till further orders. As such effect is to be given from the date of order which was issued on 28.9.2001. It cannot be made effective with retrospective effect. Now the question arises when the transfer order in the present case was implemented.

11. Indisputably applicant was relieved from the Mokamaghat Electrical Sub Division by AEE(E) on 24.9.2001. Subsequently from Patna Division on 27.9.2001 with the direction to report to EE(E) Silchar for further posting. Having already been relieved on 24.9.2001 from Sub Division and on 27.9.2001 by Division, the order dated 28.9.2001 is not applicable in the context of the applicant.

12. Hon'ble Supreme Court in the case of S.C.Saxena vs. Union of India & Ors., (2006) 9 SCC 586 has held that a Government servant cannot disobey a transfer order by not reporting at the place of posting and then to go to a Court to ventilate his grievances. It is his duty to first report for work where he is transferred and thereafter make a representation as regards his personal problems. Tendency of not reporting at the place of posting and indulging in litigation needs to be curbed.



13. Taking into consideration the entire conspectus of the case we find that there is no infirmity in the order of transfer. As the applicant did not submit leave application for the period of his absence as such period of absence is to be treated as dies non for all practical purposes. We uphold the impugned order in this regard.

In the result, O.A stands dismissed. No costs.



(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER



(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GHY

It is prayed that I may be permitted  
to move the following matter as an  
undisputed matter today.

O. A. NO. \_\_\_\_\_ / 2009

Surendra Nath Sahai -vs- U.O.I 2 OR.

Seen  
Rmnd  
Gubini Lm  
30.03.09

Butta  
30.03.09.

Allowed  
by  
3/73

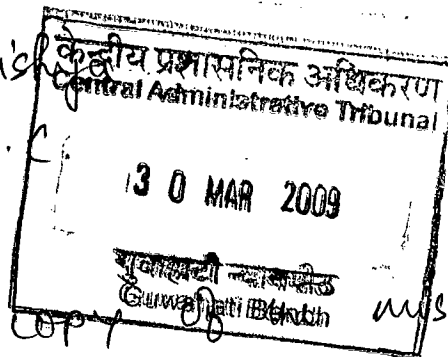
NOTICE

From

U. Dutta  
Advocate

To

Sri G. Baishya  
Sr. C.G.S.C.



Sir,

Please find herewith a copy of misc. petition  
M.P. NO. \_\_\_\_/09, in O.A. \_\_\_\_/09, Sri S.N.  
Sahai vs. U.O.I & ors. Kindly acknowledge.

Received  
Grantam his sign  
30.03.09  
( )

Thanking you,  
Dutta

30 MAR 2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 59 /2009

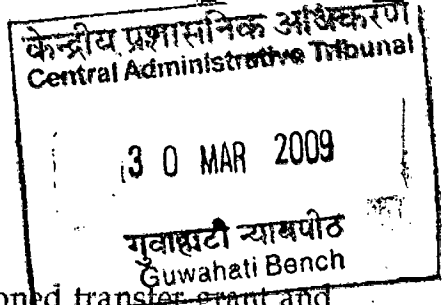
Sri Surendra Nath Sahai.

-Vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 12.07.2001- Applicant while serving as Junior Engineer (Electrical) in Mokamma Central Electrical Sub Division, under Patna Central Electrical Division, he was served a transfer order from Mokamma to Imphal under Silchar Sub Division. (Annexure-1)
- 21.07.2001- Applicant submitted a representation praying for cancellation of the transfer order due to middle of the academic session of his children. (Annexure- 2)
- 14.09.2001- Applicant was asked to hand over charges to Sri P.K. Paul, J.E(E) and Sri T.K. Das, J.E (E), but there was no order to hand over the construction charges. (Annexure-4)
- 18.09.2001- Director General (Works), CPWD, New Delhi bifurcated erstwhile Eastern Region as (B-I Eastern Region) comprising Sikkim, West Bengal, Bihar, Jharkhand, Orissa and Part of Madhya Pradesh (Chattisgarh) and B-II, North Eastern Region comprising to Assam, Meghalaya, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh. In the said memorandum group C and D staffs are allotted to two regions on "as is where is basis". (Annexure- 3)
- 24.09.2001- Assistant Engineer (E) had issued an order relieving the applicant from duty w.e.f 24.09.2001 and directed to hand over the charge to Sri P.K. Paul, J.E, and also stated that Sri P.K. Paul has already joined in the place of the applicant on 11.09.2001. (Annexure-5)
- 27.09.2001- Executive Engineer (E), Patna, CPWD, further passed a consequential order relieving the applicant w.e.f 24.09.01 and directed to report to the CPWD, Silchar Electrical Division. (Annexure- 6)
- 28.09.2001 S.E (Coordination), Kolkata, pursuant to the bifurcation of the Eastern Region issued order dated 28.09.01, stating that all transfer/posting orders which were not implemented so far should be kept in abeyance till further orders and also clarified that staff of eastern region may submit their willingness for approval of inter regional transfer by the competent authority. (Annexure- 8)



- 01.10.2001 Executive Engineer (E), CPWD, Patna sanctioned transfer grant and TTA amounting to Rs. 30,100/- in favour of the applicant.  
(Annexure- 7)
- 12.02.2002- Applicant submitted representation for cancellation of the transfer order 12.07.01 on the ground of middle academic session of his children and serious ailment of his wife. (Annexure- 9 series)
- 25.05.2002- Applicant submitted another representation praying for modification of his transfer order. (Annexure- 9 series)
- June, 2002- One Mr. Talukdar, J.E, a new recruitee in fact joined at Imphal under Silchar Divisional office, but in spite of such posting the authority did not take any steps for modification or cancellation of the transfer order of the applicant.
- 20.06.2002- Applicant submitted representation for cancellation of transfer order dated 12.07.01 and to release his salary as because he was working at that time at Mokamma under Patna CPWD Division.  
(Annexure- 9 series)
- 02.07.2002- Dy. Director (Admin.), Kolkata asked for a para wise reply on the claim of posting under Eastern Region, B-1 made by the applicant and also for release of his salary since October, 2001. (Annexure- 10)
- 23.07.2002- Asstt. Engineer, CPWD, Mokamaghat intimated E.E, CPWD, Patna that Shri P.K. Paul went on leave w.e.f. 14.09.01 to 23.09.01 so no handing over/taking over was done with the applicant.  
(Annexure- 20)
- 17.09.2002- E.E (E), CPWD, Patna in his letter addressed to S.E stated that there is no charges with Sri Sahay, so the claim of the applicant is not true.  
(Annexure- 19)
- 12.05.2003, 15.03.2004- Applicant submitted representations for cancellation of the transfer order 12.07.01. [Annexure- 9 (Series)]
- 31.05.2004- Applicant has been transferred and posted from CED-Patna to Guwahati CED.II.  
(Annexure- 11)
- 09.07.2004- Applicant joined at Guwahati.
- 20.09.2004- Chief Engineer (E), EZ, Kolkata in his letter desired to take up the matter of payment of arrear salary of the applicant. (Annexure- 12)
- 27.07.2004- Applicant submitted representation to the Chief Engineer for payment of arrear salary for the period from 01.10.01 to 30.06.04.
- 11.10.2004- S.E (E), Guwahati sought some clarification regarding payment of arrear salary to the applicant from S.E (E), C.P.W.D, Patna and also requested to direct the Executive Engineer (E), Patna to disburse the salary to the applicant at the earliest. (Annexure- 13)

- 22.12.2004- Executive Engineer (E) P&A, Guwahati forwarded letter dated 11.10.04 to the applicant. (Annexure- 14)
- 04.12.2004- Executive Engineer (E), C.P.W.D, Patna in his letter to S.E (E), Guwahati intimated that applicant was relieved from Patna Division w.e.f. 24.09.2001, therefore question of payment of salary does not arise. (Annexure- 15)
- 21.02.2005- Applicant submitted another representation claiming arrear salary w.e.f 01.10.2001 to 30.06.2004. (Annexure- 16)
- 27.07.2006- Executive Engineer (E), CPWD, Patna forwarded letter dated 17.09.02, 11.09.02, 23.07.02, 20.06.02, 06.07.02, 05.06.02, 05.06.02 and 20.07.02 to the S.E. CPWD, Patna. It is further stated that handing/ taking over notes of applicant has not been received. Accordingly, A.E (E), Mokamghat is directed to submit the handing/taking over notes of the applicant. (Annexure- 18)
- 27.07.2006- S.E, CPWD, Patna forwarded letter dated 27.07.06 of E.E, Patna Circle to the Chief Engineer, CPWD, Kolkata and further stated that claim of the applicant is not acceptable. (Annexure- 17)
- 08.09.2006- Dy. Director of Administration in his letter addressed to Chief Engineer, Kolkata intimated that claim of the applicant is false and fabricated and the question of payment of salary does not arise. (Annexure- 21)
- 21.09.2006- Dy. Director (Admn) for C.E, EZ requested the S.E, CPWD, Guwahati that question of payment of salary to the applicant for the period w.e.f. 27.09.01 to 09.07.04 does not arise but his period of absence from duty etc. may be regularized as per rules. (Annexure- 22)
- 10.10.2006- S.E (E), CPWD, Guwahati in his letter to E.E. requested to regularize the period of absence from duty of the applicant. (Annexure- 23)
- 06.11.2006- E.E, CPWD, Guwahati vide his impugned letter dated 06.11.06 stated that question of payment of salary w.e.f 27.09.01 to 09.07.04 does not arise. However, liberty was given to him to apply for leave of absence to regularize period of absence and further action would be taken on receipt of his leave application. (Annexure- 24)
- 16.12.2006- Applicant submitted representation to Chief Engineer, Kolkata stating that the respondents are not entitled to make any transfer or posting without willingness of the employees in view of bifurcation policy declared on 18.09.2001 and also specifically stated that he has rendered work during his stay at Patna as per order of the authority, as such, he is entitled to payment of salary but to no result. (Annexure- 25)
- 08.02.2007- E.E (E), CPWD, Guwahati forwarded representation of the applicant. (Annexure- 26)

30 MAR 2009

गुवाहाटी न्यायपीठ

- 12.03.2007- E.E (E), CPWD, Guwahati requested the applicant to Substantive Bench application for the period w.e.f 27.09.2001 to 09.07.2004, failing which action will be taken as per rules. (Annexure- 27)

- 19.03.2007- Executive Engineer (E), GED, No. 1, CPWD, Guwahati informed the applicant that as approved by the Chief Engineer (E), EZ, CPWD, Kolkata vide office memo. dated 31.01.07 and in pursuance of Rule 25 of the CCS Leave Rules the alleged period of absence of the applicant now A.E (E) attached to Guwahati electrical Division no. 1 has been declared "dies non" for all purposes for the period of alleged for the period from 27.09.2001 to 09.07.2004.

(Annexure- 28)

Hence this Original application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quashed the impugned office order Mo. O.M No. A22015/38/2002-EC VI/947 dtd. 08.09.2006 (Annexure- 21), letter dated 21.09.2006 (Annexure- 22), letter No. 8(4)/CCEC/E-I/2006/382 dated 10.10.2006 and letter bearing No. 8(2)/GED-I/E-I/06-07/2135dtd. 06.11.2006 (Annexure- 23 and 24 respectively).
2. That the Hon'ble Tribunal be pleased to set aside and quashed the impugned office order dated 19.03.2007 (Annexure- 28) declaring the period from 27.09.2001 to 09.07.2004 declaring as "dies non".
3. That the Hon'ble Tribunal be pleased to direct the respondents to treat the period from 27.09.2001 to 09.07.2004 and or 01.10.2001 to 30.06.2004 as on duty for all purposes in respect of the applicant.
4. That the Hon'ble Tribunal further be pleased to direct the respondents to pay arrear salary to the applicant w.e.f 01.10.2001 to 30.06.2004 with 18% interest.
5. To pass any other order or orders as deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar to the respondents for considering the case of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No. 59 /2009  
Shri. Surendra Nath Sahai : Applicant  
- Versus -  
Union of India & Others. : Respondents.

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W/S  
Respondent  
Reply to the Respondent

Filed by

*Anta*

Advocate

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Date: 30.03.09

30 MAR 2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 59 /2009

BETWEEN

Sri Surendra Nath Sahai.  
Assistant Engineer (Electrical)  
Gauhati Central Electrical Sub Division,  
Bamunimaidan,  
Guwahati-27, Dist- Kamrup, Assam.

... Applicant.

-AND-

1. The Union of India  
Represented by the Secretary  
to the Govt. of India,  
Ministry of Urban Development, Nirman Bhavan  
New Delhi. PIN - 110011
2. Director General of Works,  
Central Public Works Department,  
118-A Nirman Bhawan,  
New Delhi- 110011. ✓
3. The Superintending Engineer (Elect),  
Patna Central Elect. Circle,  
C.P.W.D., Patna Circle,  
Patna, Bihar- 8000001. ✓
4. The Executive Engineer (Elect),  
Patna Central Elect. Division,  
C.P.W.D., Punai Chake,  
Patna, Bihar- 8000001. ✓
5. The Assistant Engineer (Elect),  
Mokamaghat Central Elect. Sub-Division,  
Central Public Works Department,  
Mokamaghat, Patna- 8000001. ✓
6. The Superintendent Engineer (Co-ordination),  
C.P.W.D, Nizam Palace,  
234/4, A.J.C. Bose Road, 17<sup>th</sup> Floor, M.S.O Building, Kolkata- 700020. ✓

\*  
7. The Superintending Engineer (Elect),  
C.P.W.D, Guwahati Central Electrical  
circle,  
Bamunimaidan, Ghy- 781021  
LDutta

..... Respondents.

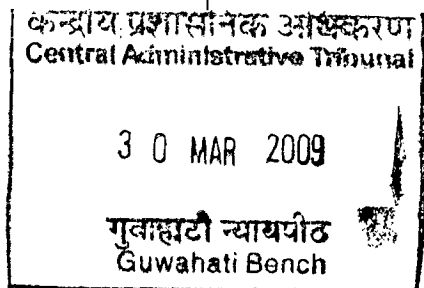
7. \*

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

Surendra Nath Sahai

Filed by the applicant  
through U. Dutta, advocate  
on 30.03.09



This application is made against the impugned letter dtd. 08.09.2006, 21.09.2006, 10.10.2006 and 06.11.2006 as well as impugned office order dtd. 19.03.2007 and further praying for a direction upon the respondents to pay arrear pay and allowances with effect from 01.10.2001 to 30.06.2004 with interest.

2. **Jurisdiction of the Tribunal.**

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

3. **Limitation.**

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. **Facts of the Case.**

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed by and under the Constitution of India.
- 4.2 That your applicant while serving as Junior Engineer (Electrical) in the office of the Assistant Engineer (Electrical), in Mokama Central Electrical Sub Division under Patna Central Electrical Division, Patna, Bihar in the year 2001, he was served with a transfer order issued vide office order no. 21 (1)/SE © /JE ©/ER/CPWD/CAL/2001/490 dtd. 12.07.2001, where by the <sup>applicant</sup> ~~petitioner~~ was sought to be transferred from Mokama, Patna to Imphal under Silchar Division.

Copy of the transfer and posting order dtd. 12.07.2001 is enclosed herewith and marked as Annexure-1.

- 4.3 That your applicant being highly aggrieved with the transfer and posting order dtd. 12.07.2001 during the middle of the academic session of his children. He had submitted a representation on 21.07.2001, Praying interalia for cancellation of the said transfer order. It is pertinent to mention here that the transfer order dtd. 12.07.2001 in fact received by the applicant on 19.07.2001.

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Guwahati Bench

That it is further stated that in the meanwhile the (Works), CPWD, New Delhi vide O.M No. 14/2191/EC IV (C) dtd 18.09.2001 bifurcated erstwhile Eastern Region as (B-I Eastern Region) comprising Sikkim, West Bengal, Bihar, Jharkhand, Orissa and Part of Madhya Pradesh (Chattisgarh) and B-II, North Eastern Region comprising to Assam, Meghalaya, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh. In the said office memorandum it is further ordered as follows:-

"For matter of recruitment, promotion, confirmation, transfer etc., group 'C' and 'D' staff including work charged staff shall be bifurcated accordingly and allotted to the above two regions on 'as-is-where-is' basis. SE (coordination) 'B', eastern Region shall continue to look after both regions. B I and B II in terms of the functions assigned under para 10 of CPWD manual, Vol-I.

The staff who are allotted to NER (B-II) will be asked to give their willingness to remain in NER (B-II) and

1. All the staff who indicate the above willingness will remain a part of NER and their transfers shall be confined to NER (B.II) region.
2. Those staff of NER who do not indicate their wiliness for NER (B.II) will retain their claim to be transferred to eastern Region (B.I). such transfers from NER to ER will be done on seniority basis subject to availability of vacancy in eastern Region (B.I) and availability of substitute staff for NER (B.II)
3. All India recruitment to (B.II) and ER will be done separately and transfers will be confined to within the respective regions.
4. All transfers from ER to NER and vice versa will fall in the category of inter regional transfers.

The staff of NER will be eligible for the special concessions for the North East Region subject to fulfilling the conditions laid down in the Govt. rules.

This issues with approval of D.G (W)".

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मुंबई, महाराष्ट्र  
Guwahati Bench

Be it stated that applicant at relevant point of time was working as J.E (E), as such he fall within the category of Group C employee.

Copy of the representation dtd. 21.07.2001 and office memorandum dtd. 18.09.2001 is annexed herewith and marked as Annexure- 2 and

3.

- 4.4 That it is stated that vide office order no. 9 (1) MCESD/01/649 dtd. 14.09.2001. Pursuant to the transfer order dtd. 12.07.2001, the applicant was asked to hand over certain changes to Sri P.K.Paul, J.E (E) and certain charge to Sri T.K.Das J.E (E).

Copy of the office order dtd. 14.09.2001 is enclosed as Annexure-4.

- 4.5 That it is stated that pursuant to the office order dtd. 14.09.2001, the applicant infact handed over certain charge of maintenance work, however there was no office order directing the applicant to hand over construction charge which would be evident from his representation dtd. 25.05.2002 addressed to S.E (E), Patna Central Electrical Circle, CPWD, Patna.

- 4.6 That it is stated that pursuant to the office memorandum dtd. 18.09.2001 another office order was issued vide letter bearing no. 21 (7)/SE (C)/ER/CPWD/GEN/KOLKATA/ 2001/714 dtd. 28.09.2001 issued by the S.E, Co-ordination, Kolkata, wherein it has been stated that consequent to the bifurcation of eastern region vide O.M dtd. 18.09.2001. All transfer/Posting orders of group 'C' and group 'D' staff including the junior Engineer from Eastern Region (B-I) to North eastern Region (B-II) and vice versa already issued by this office but not implemented so far should be kept in abeyance with immediate effect till further orders. By the said office order dtd. 28.09.2001 willingness were invited from the employees who are willing to remain in the North Eastern Region (Region B-II).

In terms of para 3 of the office order dtd. 28.09.2001, the following direction has been issued :-

"3. As per DGW, CPWD, New Delhi's OM dated 18.09.2001 mentioned above, those staff of North Eastern Region who do not indicate their willingness for the North eastern Region (Region

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3✓

B.II), will be transferred to eastern Region (Region B.I) on seniority basis subject to availability of vacancy and availability of substitute staff for North Eastern Region. The said staff are, therefore, requested to submit their willingness for transfer to eastern Region (Region B.I) within 15 (fifteen) days of issue of this order."

It is pertinent mention here that although the transfer order dtd. 12.07.2001 was issued directing the applicant to report at Imphal, Sub-Division office of the C.P.W.D on transfer basis. However, no release order was issued in the meanwhile, when the office memorandum dtd. 18.09.2001 was issued by the Director General, Works, C.P.W.D declaring the order of bifurcation of erstwhile Eastern Region into two separate region:-

- (1) Eastern Region (region B. I), and
- (2) North Eastern Region (region B.II)

And specifically directed that transfer and allotment of all Group 'C' and 'D' staffs should be made to the above two regions on "as is where is basis". And it is also categorically declared that all transfers from eastern Region and vice-versa would fall in the category of inter regional transfer.

It is specifically stated in the office memorandum dtd. 18.09.2001 that staffs who are allotted NER B-II would be asked to give their willingness to remain in NER B-II, moreover following conditions also laid down for allotment and transfer of the existing staff in B-I and B II region. The relevant portion of the O.M dtd. 18.09.2001 is quoted below:-

"The staff who are allotted to NER (B-II) will be asked to give their willingness to remain in NER (B-II) and

1. All the staff who indicate the above willingness will remain a part of NER and their transfers shall be confined to NER (B.II) region.
2. Those staff of NER who do not indicate their willingness for NER (B.II) will retain their claim to be transferred to eastern Region (B.I). such transfers from NER to ER will be done on seniority basis subject to availability of vacancy in eastern Region (B.I) and availability of substitute staff for NER (B.II)

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3. All India recruitment to (B.II) and ER will be done separately and transfers will be confined to within the respective regions.

4. All transfers from ER to NER and vice versa will fall in the category of inter regional transfers."

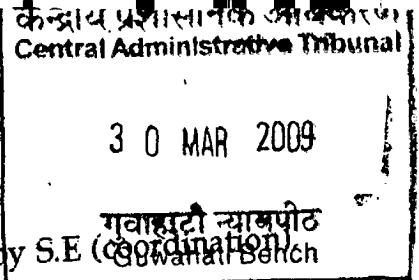
On a mere reading of the aforesaid condition laid down in O.M dated 18.09.2001, it appears that transfer and allotment of the staff particularly in Group 'C' category should be done on seniority basis subject to availability of vacancies while posting or allotment is done from NER to ER and other staffs working in ER shall remain as is where is basis, therefore the transfer order dtd. 12.07.2001, which was not effected till 18.09.2001, infect became infructuous in view of the creation of North Eastern Region as a separate co-ordination region.

4.7 That it is stated that in terms of the O.M dtd. 18.09.2001, more particularly in view of clause 3 of the aforesaid O.M, all recruitment and transfers would be confined to within the respective region. The relevant portion of clause 3 of O.M dtd. 18.09.2001.

"All India recruitment to (B.II) and ER will be done separately and transfers will be confined to within the respective regions."

It is quite clear from the O.M dtd. 18.09.2001 that all future recruitment and transfer would be confined to within the respective region which was further confirmed by the aforesaid memorandum that Group 'C' and 'D' employees should be allotted to the two regions on "as is where is basis". Since the applicant at the relevant point of time was working at Patna in the eastern region as such as per the O.M dtd. 18.09.2001, he is automatically allotted in the eastern region on "as is where is basis". It is relevant to mention here that although the transfer order was issued on 12.07.2001, but he was not released on the date when O.M dtd. 18.09.2001 was issued. Therefore, in terms of the aforesaid O.M dtd. 18.09.2001, applicant was allotted to Eastern Region. Therefore order of transfer dtd. 12.07.2001, so far the applicant is concerned has become infructuous. Be it

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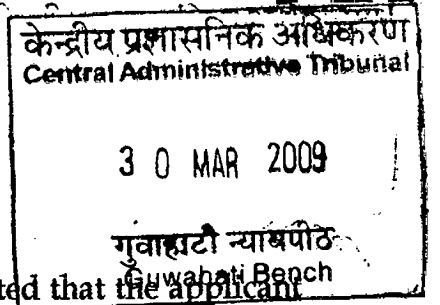
stated that transfer order dtd. 12.07.2001 was issued by S.E (Coordination) Kolkata, whereas the O.M dtd. 18.09.2001 was issued by the Director of Administration, CPWD, Govt. of India, New Delhi. Therefore, the order of Directorate general of works shall prevail over the office order dtd. 12.07.2001.

- 4.8 That it is stated that Assistant Engineer (Electrical) vide office order no. 9 (1) MCESD/01/675 dtd. 24.09.2001 has issued order relieving the applicant from duty w.e.f 24.09.2001 directing him to handover the charge to Sri P.K.Paul, Junior Engineer immediately if the same is not handed over already and also stated that Sri P.K.Paul had already joined in place of the applicant on 11.09.2001. It is relevant to mention here that Sri P.K.Paul, J.E infact transferred from KCED-III/Kolkata to PCED/Patna i.e from Eastern Region to Eastern Region by the same office order dtd. 12.07.2001. Sri P.K.Paul joined at patna on 11.09.2001 but he proceeded on leave immediately thereafter without taking over the charge. Moreover after the issuance of the O.M dtd. 18.09.2001 by the DGW, the Assistant Engineer CPWD, Makamaghat has no jurisdiction to issue the release order in violation of the instruction contained in O.M dtd. 18.09.2001 of Director General of Works.

Copy of the release order dtd. 24.09.2001 is enclosed herewith and marked as Annexure-5.

- 4.9 That it is stated that the Executive Engineer (E) Patna CED, CPWD, Patna vide office order no. 21 (1)/PCED/01/2145-51 dtd. 27.09.2001 further passed a consequential order relieving the applicant w.e.f 24.09.2001 with the direction to report from CPWD, Silchar electrical division immediately. Be it stated that CED, CPWD, Silchar under head office, Imphal infact situated under N.E.Region. Therefore, order of release pursuant to letter dtd. 24.09.2001 is infact in violation of O.M dtd. 18.09.2001, as such those release orders have no force in the eye of law.
- 4.10 That it is stated that Executive Engineer (E), CPWD, Patna in fact sanctioned transfer grant and TTA amounting to Rs. 30,100/- in favour of the applicant by the office order bearing no. 30 (1)/PCED/2001/2205-12

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Patna dtd. 01.10.2001. In the said order it has been stated that the applicant is attached to Patna CED, CPWD, Patna. That order was signed on 29.09.2001. Therefore it is quite clear even on 29.09.2001, the applicant was treated as attached to Patna CED, as per office order dtd. 01.10.2001. Therefore it is crystal clear that transfer order dtd. 12.07.2001 was not implemented even on 29.09.2001 or on 01.10.2001. Relevant portion of the order dtd. 01.10.2001, is quoted below:-

**"OFFICE ORDER**

In terms of Rate 222-223 of GFR (R&E) 1963, sanction is hereby accorded the following advances to Shri S.N.Sahay, JE (E), attached under this Division who is under order of transfer from this Division to Silchar Central lectrical Division, CPWD, Silchar (H.Q.Imphal) vide Superintending Engineer, coordination circle, CPWD, Kolkata vide office order No. 21 (1) SE- ©/ER/CPWD/cal/2001/490 dated 12.7.2001.

(1) Transfer grant	
(one month basic pay)	Rs. 8,300/-
(2) T.T.A. for 4 nos. adult	
for Mokamah to Silchar	
(H.Q.Imphal) i/c	
Transportation charges of materials	Rs. 21,800/-

Total- Rs. 30,100/-

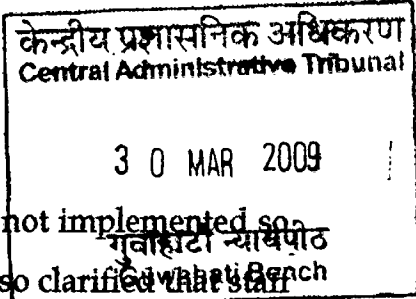
(Rupees thirty thousand and one hundred) only.

Executive Engineer (E),  
Patna Central Elect. Division,  
C.P.W.D., Patna."

Copy of the office order dated 27.09.2001 and 01.10.2001 are enclosed as Annexure- 6 and 7.

- 4.11 That it is stated that Superintendent Engineer (coord.) pursuant to the O.M dtd. 18.09.2001 issued a consequential office order bearing no. F.No. 21 (7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dtd. 28.09.2001, whereby SE (C) ordered that all transfer/posting orders of group C and D staffs including the J. E's from Eastern Region (Region B.1) to North Eastern

Surendra Nath Sahai



Region (Region B.II) and vice versa already issued but not implemented so far should be kept in abeyance till further orders and also clarified that staff of Eastern Region may submit their willingness in prescribed proforma for approval of inter regional transfer by the competent authority. Therefore it is quite clear from the office order dated 28.09.2001, that the transfer order already issued but not implemented should be kept in abeyance. Since the transfer order of the applicant dtd. 12.07.2001 already issued but not implemented as evident from office order dtd. 24.09.2001, 27.09.2001, 01.10.2001, as such the order of transfer as well as the order of release are liable to be kept in abeyance and therefore by operation of law, the transfer order dtd. 12.07.2001 is infect kept in abeyance.

Copy of the office order dtd. 28.09.2001 is enclosed as Annexure- 8.

- 4.12 That it is stated that the applicant submitted detailed representation on 12.02.2002 praying interalia for cancellation of the transfer order dtd. 12.07.2001 in view of the O.M dtd. 18.09.2001 and also on the ground that it was in mid-academic session for his children when the transfer order dtd. 12.07.2001 is issued and wife was also suffering from gynecological problem and also undergone surgical operation. But surprisingly, no reply was given to the applicant.

The applicant further submitted another representation to SE (E), Patna with a copy to SE (C), Kolkata, Chief Engineer (E), CPWD, Kolkata on 25.05.2002, wherein he had stated that he was working and looking towards the construction work as there was no order to handover the construction work. In the said representation applicant also quoted the O.M dtd. 18.09.2001 and letter dtd. 28.09.2001 and prayed for his posting either at Patna or at Muzaffarpur in the existing vacancies. On 20.06.2002 and also on 31.07.2002, 29.11.2002, 27.02.2003, 12.05.2003 and on 15.03.2004, similar representations regarding his posting at Patna were submitted but to no result.

Copy of the representation dtd. 12.02.2002, 25.05.2002, 20.06.2002, 12.05.2003 and 15.03.2004 are annexed hereto as Annexure- 9 (Series).

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Guwahati Bench

- 4.13 That your applicant submitted a detailed representation wherein he has specifically pointed out by the applicant that he had infact received the relieving order dtd. 24.11.2001 only on 27.09.2001, as such the said order is not proper. Applicant also pointed out that the Executive Engineer has granted TA, DA amounting to Rs. 21,800/- instead of Rs. 30,100/- vide letter dtd. 01.10.2001 and also made a mention in the said representation that the concerned Executive Engineer has assured him to arrange his posting in the same division in the vacant post at Patna in place of Sri D. Mishra, J.E (E), who had got transferred from Patna to Kolkata and also prayed for his posting either at Patna or at Muzaffarpur treating times spent on duty till further posting in eastern region i.e. B.1.
- 4.14 That the Dy. Director (Admin.), office of the Chief Engineer (E), EZ, Kolkata asked for a para wise reply on the claim of posting under Eastern Region, B-1 made by the applicant and also for release of his salary since October, 2001 vide letter no. 9/37/97-Adm/Vol-VI dtd. 02.07.2002.
- Copy of the letter dtd. 02.07.2002 is enclosed herewith and marked as Annexure- 10.
- 4.15 That it is stated that while the applicant was making correspondences, for cancellation of the transfer order dtd. 12.07.2001 with the higher authorities, in the meanwhile the respondent Union of India posted one Sri Sukleswar Talukdar, Junior Engineer at Imphal, where the applicant was sought to be transferred and posted and said Sri Talukdar, J.E who was a new recruitee infact joined at Imphal under Silchar divisional office in the month of June, 2002. But inspite of such posting of Sri Talukdar the SE (C), Kolkata did not take any steps for modification, cancellation of the order of transfer and posting dtd. 12.07.2001.
- 4.16 That it is stated that at the relevant point of time i.e. during the month of July, 2001 at least 2 vacancies of Junior Engineer were lying vacant under Patna Central Electrical Division. One at Maujaffarpur Electrical Sub-Division and another vacancy at Patna Central Electrical Circle. Moreover, in addition to above 2 vacancies of Jr. Engineer one more vacancy also occurred due to transfer of Sri D. Mishra, JE from Patna

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Central Electrical Sub-Division, II to Kolkata. As such there was no difficulty on the part of the respondents to adjust the applicant in any of the aforesaid vacancies in terms of the bifurcation order dtd. 18.09.2001 and 28.09.2001 issued by the Director General (works), CPWD, Kolkata. It is also relevant to mention here that even the applicant was not released from the post he was occupied at Patna Central Electrical Division prior to bifurcation order dtd. 18.09.2001, but inspite of existence of availability of vacancies applicant is denied pay and allowances on the alleged ground that he has released w.e.f 24.09.2001 pursuant to the transfer order dtd. 12.07.2001 in deliberate violation of bifurcation order dtd. 18.09.2001. Hence applicant is entitled to arrear pay and allowances from 11.10.2001 to 30.06.2004. It is categorically submitted that the applicant received his pay and allowances upto the month of September, 2001 from Patna Central Electrical Division. Therefore, it is quite clear that he was admittedly not released even on 30<sup>th</sup> September, 2001.

- 4.17 That it is stated that the applicant in all his representations as stated above repeatedly approached the authorities for cancellation, modification of the transfer order dtd. 12.07.2001, more particularly in view of the O.M dtd. 18.09.2001 as well as office order dtd. 28.09.2001 issued by the DGW and SE (C), Kolkata respectively. It is specifically stated by the applicant in his representations that due to non receipt of salary he was suffering from financial hardship to maintain his dependent family members, children and their education. But when there was no response from the authorities the applicant had taken the payment of TTA amounting to Rs. 21,800/- for maintenance of his day to day expenditure and livelihood of the family. However the applicant submitted a detailed TA bill after joining at Guwahati for adjustment of the said amount of Rs. 21,800/-, and the same is now pending with the authorities for adjustment.
- 4.18 That your applicant further begs to say that vide letter no. 1-21(1)/PCED/2006/1041 dtd. 27.07.2006, wherein the E.E has stated that the handing over taking over notes of the applicant has not been received by the office of the E.E, accordingly sub division office was directed to submit the same immediately. However based on the letter dtd. 25.07.2006 and

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C.E. (E), CPWD

27.07.2006, the S.E, Patna CEC, CWD informed the C.E. (E), CPWD

Kolkata vide letter no. 8(3)/PCEC/2006/983 dtd. 27.07.2006 has given a deliberate wrong statement that there was no charges lying with the applicant and no work whatsoever are being given to the applicant as claimed by him. It is also pointed out that neither any verbal or written order has been given to the applicant to do any work, and also stated that claims of the applicant is false.

It is pertinent to mention here that it would be evident from the letter of the E.E (E), CPWD, Patna that Sri P.K.Paul, JE (E) joined in place of the applicant at Mokamaghat, so applicant had to handover the entire charge to Sri Paul. It is also pointed out by the E.E that earlier the work of maintenance were looked after by two J.E i.e. by Sri Sahay (applicant) and Sri T.K. Das J.E, (E). But in between charges of J.E were inter changed. But dismantled materials remained with the respective J.E (E) i.e. also with the applicant. Therefore A.E (E) ordered for maintenance of work only as the applicant had to handover the construction work also to Sri Paul as usual and further stated in his letter dtd. 17.09.2002 that now there are no charges lying with the applicant and no work whatsoever are being taken by the applicant as claimed by him. No verbal or written order has been given to the applicant as such it is alleged that the claim of the applicant that he is performing duties is false.

The above clarification has been given by the A.E (E), Mokamghat in response to a letter dtd. 06.07.2002 through his letter dtd. 23.07.2002 and file no. 891 dtd. 11.09.2002.

On a mere reading of the letter dtd. 17.09.2002 of the E.E (E) CPWD, Patna it appears that the applicant was performing his duties and responsibilities even on 27.03.2002 and also on 11.09.2002 as because dismantled materials remained with the applicant as evident from the aforesaid order dtd. 17.09.2002. Therefore contention of the EE that the applicant is not performing any duties is contrary to the clarification given by the EE (E) in his letter dtd. 17.09.2002 based on which S.E, Patna, CEC, CPWD also gave an incorrect information to the C.E (E) ER CPWD, Kolkata that the applicant did not perform any work at the relevant point of time. Moreover it would be evident from the letter dtd. 27.07.2006 that even the

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handling over and taking over notes were also not available with the office of the EE (E) as indicated in such letter. Hence the impugned decision of non payment of salary to the applicant communicated through letter dtd. 10.10.2006 is not sustainable in the eye of law, which is also confirmed following the letter of EE (E) dtd. 01.10.2001, as well as Executive Engineer's letter bearing no. 9(1)/MCESD/2002/856 dtd. 23.07.2002, wherein it was admitted in para 2 of the letter dtd. 11.09.2002, as follows:-

"2 One office was issued on 14.09.2001 for distribution of maintenance work only. Because as per SE (E)/PCEC/Patna office order the charge of both the JE(E) was to inter change between Sh. Sahay & Sh. T.K.Das, but both had changed the none but handing over/taking over not done between them, hence now Sh. T.K.Das will hand over his electrical charges to Sh. P.K.Poul, and take over pumping set from Sh. S.N.Sahay. So this office order was issue.

3. Sh. S.N.Sahay has handed over his all charges to Sh. P.K.Paul, and his all allegiance is false.

4. He was not taken Govt. work by this office after his re-leaving"

Again it was admitted in letter dtd. 23.07.2002, which is quoted below:-

"But Sh. P.K.Paul come to me on 13.9.2001 and pointed out that he will take over the charges of Sh. S.N.Sahay JE (E) only as he has joined on his place, but electrical store, dismantle materials and electrical installations are being handed over to him by Sh. T.K.Das and it so AE (E) should make a order accordingly. Hence a order was made by this office for maintenance work i/c the charge and Sh. T.K.Das vide this office letter no. 9(1)/MCESD/01/649 dated 14.9.2001, to clear the confusion Shri P.K.Pal JE (E) gone on leave w.e.f 14.9.2001 to 23.9.2001 hence no handing over/taking over was done by both the JE (E) and on 24.9.2001 to clear the confusion.

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Sh. P.K.Paul, JE (E) gone on leave w.e.f 14.9.2001 to 23.9.2001, hence no handing over/taking over was done by both the JE (E) and on 24.9.2001 Sh. S.N.Sahay, JE (E) was re-leaved by this office with all charges with them.

Now in a short this office is to say that the above order was required to be made to clear the charges between all 3 JE (E) as Sh. T.K.Das was also involve in maintainance work.

Further I am to say that it is obvious that if a person is transferred he has to handover his all charges to his successor, AE (E) has no authority to allow a JE (E) to keep his some charges with him though he has been re-leaved by them."

It is abundantly clear from the above statement that the applicant has performed duties and responsibilities all along, more particularly, since 14.09.2001 to 09.07.2004, or from 27.09.2001 to 09.07.2004 as J.E (Elect.)

4.19 That the applicant categorically stated that he has performed his duties and responsibilities, which is evident from the following office records:-

During the period from alleged absence w.e.f 01.10.2001 to 30.06.2004. Some particulars of the office records where the applicant had performed his duties and responsibilities is given hereunder:-

Proof of working after 24/09/2001

16/10/2001 – I recorded the measurement for the bill of M/s Nath Constructions, Patna & M/s

R.K. Constructions, Patna in MB – 2305 / PCED & ON

2257/PCED/MCESD.

24/10/01 to 29/10/01

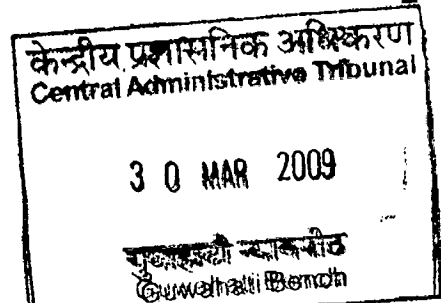
Record measurement & bill of service connection for type – IV Qtrs for GCCRPF,

Mokamaghat of M/s R.K. Construction – MB – 2219/PCED/MCESD.

25/10/01 to 31/10/01 Execution of work and Record of measurement & preparation of following bills –

1. Record measurement & bill of M/s Jaya Electricals  
For replacement of change over - MB – 2225 /  
PCED/MCESD
2. Recorded & bill of transport Company - MB - 2317/  
PCED/MCESD.
3. Recorded bill of M/s Nath Construction  
For Bharat Bagon work - MB - 2317/  
PCED/MCESD.

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4. Recorded bill for service connection to Garriage of CRPF MT workshop of M/s Lakhami

- MB - 2266 /

PCED/MCESD

5. M/s Jaya Electric for A.C. Unit

- MB - 2266 /

PCED/MCESD

06/11/01 to 12/11/01 -**Execution of work Record of measurement & preparation of bills**

1. Record of measurement & bill of M/s Jaya Electricals for S/C to mm vide - MB - 2266 / PCED/MCESD

&amp; MB - 2264 /

PCED/MCESD.

2. C/o 25 Nos. Staff qtrs- pvdg. EI & Fans in M/s Jaya Electricals - MB - 2306/PCED/MCESD
3. Pvdg. Pump sets at J.N.V - Sheikhpura - MB - 2258/ PCED/MCESD
4. Pvdg. S/C to Staff Qtrs J.N.V. - Sheikhpura - MB - 2091/ PCED/MCESD
5. S/F Fire safety equipment for Income-tax CE at Purnia - MB - 2091/ PCED/MCESD

... 12/01 - Booked the O.T.E.O. for the material received against D.G.S. & D Rate Contract.

19/02/02 - Execution, Record & bill for 28 nos type - III qtrs. For CRPF of M/s Nath Construction vide - MB - 2368

PCED/MCESD

- MB - 2318  
PCED/MCESD.

19/02/02 - Prepared completion plan of Barrack No. 4 & its inventory which was also signed by

AE (E), G. floor, First floor & Second Floor (photocopy available).

20/02/02 Prepared Inventory & completion plant of Barrack No. 3 which was also signed by AE

(E) /Mokamaghat / Gr. Floor, First floor, Second Floor & Verandah of Barrack No. 3

(Photocopy available).

19/02/02 to 20/02/02 -

Inventory for Barrack prepared & computed the balance work for execution & that

Was also signed by AE (E) prior to pass the balance schedule of work by EE (E).

30/03/02

1. Record measurement of panel board of substation No. 4

& bills of M/s Makali vide Agt.No. 46/EE (E) PCED/01-02 which was test checked by AE (E) 2369/PCED/MCESD

- MB -

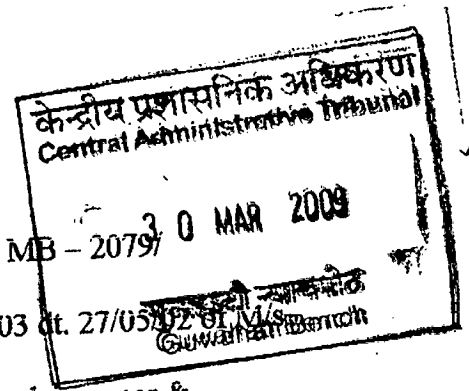
2. Record measurement of M/s R.K.Construction vide Agt. No. 32 & bill vide

- MB - 2369/

PCED/MCESD.

3. Record measurement & bill of W/o. No. 33/2001-02 of

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M/s Jaya Electricals  
PCED/MCESD.

09/05/02 Measurement of work order No. 4/W.O./MCESD/2002-03 dt. 27/05/02  
Nath

Construction for balance work was made on 05/05/03 on plain paper & submitted AE

(E) on 09/05/03 for finalize the work order & payment of M/S Nath Construction (Photocopy Available).

27/02/02 to 23/05/02

Preparation of inventory joint checking of installation & handing over the inventory.

Inventory of fittings provided in 144 Nos. type - I Qtrs at Batagate, 108 Nos. AB type

Qtrs., 8 Nos. - Type - III Qtrs., 72 Nos. special 'A' type Qtrs, 36 Nos new Qtrs, 24 Nos type qtrs. main gate qtrs, various type qtrs in old family line, 16 Nos type -

IV

& 2 Nos. type - II, G.O. mesh qtrs for follower line etc prepared & handed over to CRPF authority which duly signed copy on 23/05/02 submitted to AE (E)

Mokamaghat

& EE (E) / PCED/Patna through AE (E) (Photocopy available).

01/06/02 - Letter prepared for revised sanction/revaluation of fund as well as new proposal for

the year 2002 - 2003 addressed to Addl. DIG (P), CRPF Mokamaghat vide his letter

No. BV - 1/2002-03 G.G. Bldgs. Dt. 15/05/2002 as annual action plan by me & Submitted to AE (E), MCESD. which was sent by AE (E) vide his no. 23 (5)/MCESD/791 dt. 01/06/02 & copy enclosed to EE (E), PCED, Patna for information (photocopy available).

06/06/02 - Handing over note of balance materials, dismantle materials, inventory for Flu. Fittings providing in type I Qtr. To ADIG (P) Bungalow duly handed over to

CRPF

(original copy) as well as inventory for EI & Fans for 76 Nos. type II qtrs (new constructed) duly handed over to CRPF (original copy) handed over to Shri

P.K.Paul,

JE (E) on 06/06/02 & one copy of handing over return to me, which was signed

by Shri

P.K.Paul, JE (E) on 07/10/02.

12/06/02 to 13/06/02 -

Handing over note from CPWD electrical to CRPF authority for acceptance of EI inventory of 28 types - III qtrs at G.C. CRPF Mokamaghat, prepared by me

which

was checked by CRPF authority & finally signed on 13/06/02 which copy

submitted to

AE (E), Mokamaghat & EE (E)/PCED/Patna through AE (E), Mokamaghat (photocopy available)

29/06/2002 -

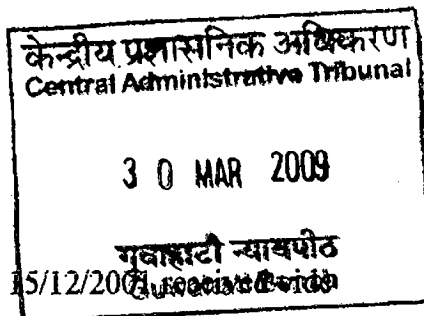
1. PAO memo no. PAO/CPWD/WA II/MPSSA/279 received vide 63 (9)/2001/PCED/64dt.

09/01/2001 verified on 26/06/2002 for Rs. 1075 vide O.T.E.O. 7/2000 & now credited

To work Rs.115.00 vide MB - 1024, P -99.

2. PAO memo no. PAO/CPWD/WA II/MPSSA330 dt. 03/12/2001 received vide no. 63 (9)/2001/PCED/64dt. 09/01/2002. Verified for 98% payment for Rs 59,932/- ref. of O.T.E.O. 7/2000 MB - 2024 P 100.

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3. PAO memo no. PAO/CPWD/WA II/MPSSA336 DT. 15/12/2001 no. 63

(9)/2001/PCED/64 dt. 09/01/2002. Verified & accepted for 2% payment which is 283.00

now debited to work Rs. 2.00 only.

These all PAO memo has been signed by AE (E) ON 01/07/2002 as well as in

O.T.E.O. registers also.

14/11/2002 -

Preliminary estimate for providing light facility for Children Park at GC CRPF,

Mokamaghat prepared & submitted to AE (E), which was asked by AE Mokamaghat

Central Sub-division addressed to EE (E)/MCESD/CPWD/Patna vide his no. 24 (3)/

MCESD/471 dt. 10/10/2002 & copy endorsed to AE (E) MCESD/CPWD/Mokama

Ghat for information & necessary action.

05/12/2002 -

After refusal in discussion of detailed estimate for C/o J.N.V. at Araria. (SH: Pvdg

Service connection to individual bldg & Street lighting with U.G. XLPE cable, which

Was 18, 29,062.00 as per letter no. 23 (3) PCED/PCEC/2002/ 1197 dt. 12/11/2002/.

On verbal instruction of EE (E)/PCED/Patna & AE (E) /MCESD/Mokamaghat.

I prepared detailed estimate for C/o J.N.V. at Araria (SH: Pvdg Service connection to

individual bldg & Street lighting with LTOH line (Total Rs. 7,04,276.00 i/c 5% contingencies) Submitted to AE (E) /MCESD/Mokamaghat as he was also in charge of

MCESD Muzafferpur as in dual charge & that estimate was Technically sanctioned by

EE (E), PCED, Patna on 13/01/2003. (Photocopy of inventory & estimate is available).

24/12/2002 - On verbal instruction of AE (E)/MCESD reply of quarry made by Addl. D.I.G. (P),

GC CRPF Mokamaghat vides his no. B.V.L/2002 -03 - BIL dt. 12/12/2002 has

been made on 24/12/2002 & submitted to AE (E)/MCSED/Mokamaghat for further

necessary action, which was sent by AE (E) on 24/12/2002 vide his no.

23(3)/MCESD/02/.

30/01/2002 - Also prepared the inventory and marked EI & Fans in drawing no. SAI/EZ/A3/

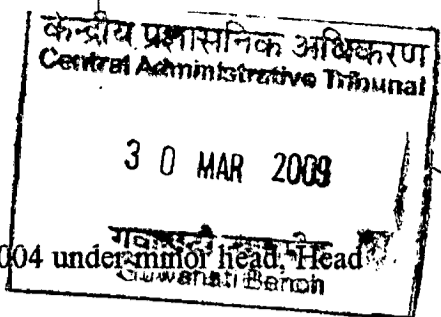
11963/11964 & SAI/EZ/A3/11963/11924 for the work providing EI & Fans in

Staff qtrs. /Resdl. Accommodation for the staff of MRI Bishnupur Begusarai for

4 nos types - IV, 4 nos type - III & 11 nos. type - II qtrs. & submitted to AE (E)

For T/S by competent authority. (Photocopy of inventory & drawing available).

*Surentha Nathi Sahai*



14/02/2003 - Proposal for minor work to be execute in 2003-2004 under minor head, Head of

Account No. 00-0027 with reference to ADIG No. DV - 1/02-03-GC bldg. dt.

05/02/2003 along with justification prepared on verbal instruction of AE(E)/ MCESD/34 dt. 14/02/2003. (Photocopy available).

26/05/2003 - Comment & advice on BIHAR GAZETTE (EXTRA) June 23/1993 with revise of

11/07/2002 vide D.I.G. No. E/VIII - 1/2000 - 03 - GC bldg. - 10/03/2003 & L- VIII - I/ 2002 - 03/ GC bldg. - 20/05/2003, has been prepared by me and Submitted to AE (E) on 26/05/2003 for onward transmission to ADIG (P), GC CRPF Mokamaghat.

30/09/2003 - Prequalification notice prepared for the work:- RMO standby Diesol generating

Sets at GC CRPF, Mokamaghat. (SH: Maintenance of 75 KVA fixed type D.G. set

& 75 KVA mobile types DG set for 12 months), which was called by AE (E) vide

23(2)/MCESD/355 dt. 30/05/2003.

31/10/2003 - No objection certificate issued by AE (E) to me to shift my family from Mokama

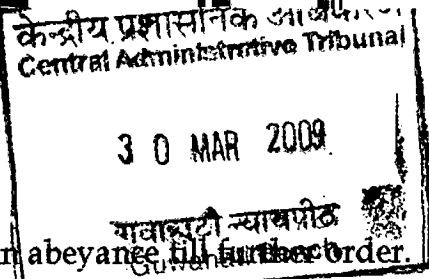
Ghat to native place along with bag & baggage from my residence at GC CRPF,

Mokamaghat as transfer order kept in awayance & no further posting order Received.

Therefore, it is quite clear that the applicant had rendered his duties and responsibilities even after 24.09.2001. It is also relevant to mention here that the E.E himself in his office order bearing no. 30(1)/PCED/2001/2205-12 dtd. 01.10.2001 signed on 29.09.2001 had specifically admitted that the applicant attached under CPWD, Patna division who is under order of transfer from Patna CED II to CPWD, Silchar (HQ, Imphal) has accorded his sanction of transfer grant & TTA in terms of relevant provision of the GFR.

It is quite clear from the above that even on 29.09.2001/01.10.2001, the applicant was attached to Patna Division. Therefore, it is quite clear from the impugned transfer order dtd. 12.07.2001 was not implemented till 29.09.2001/01/10/2001, since the order of bifurcation was passed on 18.09.2001 and consequential order was passed on 28.09.2001, as such question of implementation of the impugned transfer order dtd. 12.07.2001 does not arise at all. But it appears that the respondents has acted contrary to the order of bifurcation dtd. 18.09.2001 issued by the D.G (works) and the consequential order dtd. 28.09.2001 issued by Superintending Engineer (Coord.), Kolkata, where there was a specific order that the transfer order

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which were not implemented, should be kept in abeyance till further order. In view of the order of the higher authority, the impugned transfer order dtd. 12.07.2001 cannot be treated as implemented prior to 18.09.2001 i.e before bifurcation of eastern region. Therefore impugned order bearing letter no. A-22015/38/2002-EC VI/947 dtd. 08.09.2006, whereby Directorate decided that applicant not entitled to payment of salary from 27.09.2001 to 09.07.2004, as the claim is totally false and fabricated, whereas the aforesaid impugned order dtd. 08.09.2006 is contrary to the record and factual position, as such liable to be set aside and quashed. Hence the petitioner is entitled to full salary w.e.f 01.10.2001 to 24.06.2004 and the impugned order dtd. 10.10.2007 and other consequential order dtd. 06.11.2006 are liable to be set aside and quashed.

- 4.20 That it is stated that by the office order bearing no. 21 (104)/SE (co-ord.)/ER/CPWD/CAL/2004/327 dtd. 31.05.2004 applicant has been transferred and posted from Patna CED-Patna to Guwahati CED.II. Pursuant to the aforesaid transfer order the applicant joined at Guwahati on 09.07.2004. therefore, it is abundantly clear from the office order dtd. 31.05.2004 that the applicant has been treated as an employee of the Patna CED, Patna till the office order dtd. 31.05.2004 was issued in all fairness, the applicant has been treated for all purposes, an employee of the Patna CED, Patna even after passing of the transfer and posting order dtd. 12.07.2001. More particularly, in view of the bifurcation of erstwhile eastern region following the DGW's O.M dtd. 18.09.2001 and the subsequent office order dtd. 28.09.2001. Therefore, denial of pay allowances from the period from 01.10.2001 to 30.06.2004 is highly arbitrary, unfair and illegal.

Copy of the office order dtd. 31.05.2004 is enclosed as Annexure-11.

- 4.21 That your applicant being highly aggrieved for non payment of salary for the period from 01.10.2001 to 30.06.2004 submitted a detailed representation addressed to Chief Engineer (E), Kolkata on 27.07.2004, however the E.E (E), P& A vide letter no. 8 (4)/GCEC/E1/2004/1796 dtd. 22.12.2004 supplied a copy of the letter dtd. 11.10.2004 to the applicant. In the said letter dtd. 11.10.2004, S.E, Electrical Circle, Guwahati wrote a letter to S.E (electrical), Patna regarding release of salary w.e.f 01.10.2001 to 30.06.2004

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and sought clarification as to why the applicant was not relieved in time and also enquired about the cause of non release of salary for the period from 01.10.2001 to 30.06.2004. In the said letter the S.E (E), Guwahati also referred the Chief Engineer letter bearing no. 9/3/93-ADM/Vol-II dtd. 20.09.2004.

Copy of the letter dtd. 20.09.2004, 11.10.2004, 22.12.2004 and 04.12.2004 are enclosed as Annexure- 12, 13, 14 and 15 respectively.

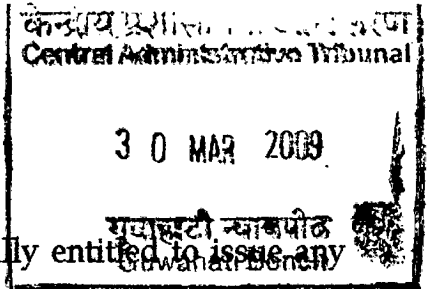
4.22 That the Executive Engineer (E), Patna vide letter no. 21 (1)/PCED/2004/2188 dtd. 04.12.2004, it was informed to SE (E), Guwahati that the applicant was released w.e.f 24.09.2001 afternoon vide T.O No. 21 (1)/PCED/2001/2145-51 dtd. 27.09.2001 and also stated that since the applicant has been relieved from the division office, Patna, as such question of payment of salary with effect from 01.10.2001 to 30.06.2004 does not arise. It is relevant to mention here that the letter dtd. 27.09.2001, indicated in the aforesaid letter dtd. 04.12.2004 infact the said letter dtd. 27.09.2001 was signed by the Executive Engineer (E) on 30.09.2001 and the said letter dtd. 27.09.2001 served upon the applicant on 30.09.2001.

It would further be evident from the office order dtd. 01.10.2001 (Annexure-8), wherein the Executive Engineer (E) Patna specifically admitted that the applicant was attached to Patna Centre Electrical Division, Patna but also observed that the applicant is under transfer from Patna Division to Silchar Central Electrical Division CPWD, Silchar (H.Q Imphal). The said letter dtd. 01.10.2001 infact signed on 29.09.2001, when the transfer advance was granted/ sanctioned.

It appears from the above correspondences that the local authority at Patna deliberately issued the release order dtd. 24.09.2001 as well as release order dtd. 27.09.2001 in total violation of Director General of works instructions contained in O.M dtd. 18.09.2001 and consequential order dtd. 28.09.2001 passed by the S.E coordination, Kolkata without taking any further clarification from SE coordination Kolkata regarding release of the applicant on the face of the O.M dtd. 18.09.2001.

Moreover it is abundantly clear that even on 01.10.2001 the applicant was attached to division office, Patna, as such Assistant

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Engineer/ Executive Engineer, Patna were not legally entitled to issue any release order after 18.09.2001, pursuant to the transfer order dtd. 12.07.2001 without considering and inviting the option of the applicant for his transfer and posting at N.E. Region after the order of bifurcation dtd. 18.09.2001.

- 4.23 That your applicant again submitted representation on 21.02.2005 claiming arrear salary w.e.f 01.10.2001 to 30.06.2004, wherein applicant has specifically stated that although relieving order was issued to the applicant on 24.09.2001 and also on 30.09.2001, which was signed by the E.E on 27.09.2001 but in view of the O.M dtd. 18.09.2001 and letter dtd. 28.09.2001, the applicant was allowed to continue to work in the said CED at Patna. He has also pointed out that he had worked at CED, Patna, which would be evident from the record that the payment is made to contractors, suppliers on the basis of measurement recorded by him after 24.09.2001 and accordingly thereafter he was transferred from Patna to Guwahati on 31.05.2004 and joined at Guwahati on 09.07.2004. As such he is entitled to salary of the period from 01.10.2001 to 30.06.2004.

Copy of the representation dtd. 21.02.2005 is annexed hereto and marked as Annexure- 16.

- 4.24 That your applicant further begs to say that impugned letter bearing no. 8 (2)/GED-1/E-1/06007/2135 dtd. 06.11.2006 issued by the Executive Engineer (E) CPWD, Guwahati wherein impugned O.M bearing letter no. A-22015/38/2002-EC VI/947 dtd. 08.09.2006, O.M no. 9/37/97-ADMN/Vol.VIII-A dtd. 21.09.2006 and impugned letter bearing no. 8(4)/GCEC/E-1/2006/382 dtd. 10.10.2006 has been communicated to the applicant for information and also stated that question of payment of salary w.e.f 27.09.2001 to 09.07.2004 does not arise. However to regularize the period of absence from duty for the period under Patna Central Electrical Division, applicant was given liberty to apply for leave of absence and further action would be taken on receipt of his leave application, since the alleged release order contrary to the order of the higher authority passed, after order of the DG of works CPWD, New Delhi dtd. 18.09.2001, whereby the erstwhile eastern region has been bifurcated as such question of release does not arise in violation of the order of the superior authority i.e DG (W),

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CPWD. Hence the order of non payment of salary and regularization of period of absence as per rule does not arise. Therefore the decision communicated through impugned letter dtd. 08.09.2006 and 10.10.2006 served upon the applicant vide letter no. 8(2)/GED-I/E-I/06-07/2135 dtd. 06.11.2006 are liable to be set aside and quashed.

Copy of the Copy of the O.M dtd. 27.07.2006, 27.07.2006, 17.09.2002 and 23.07.2002 impugned letter dtd. 08.09.2006, impugned O.M dtd. 21.09.2006 and 10.10.2006 and letter dated 06.11.2006 are annexed as is enclosed herewith and marked as Annexure- 17, 18, 19, 20, 21, 22, 23 and 24 respectively.

- 4.25 That your applicant submitted a detailed representation on 16.12.2006, wherein the applicant had referred the impugned letter dtd. 06.11.2006 and categorically stated after 18.09.2001, the respondent department not entitled to make any transfer or posting without willingness of the employees in view of bifurcation policy declared on 18.09.2001 and also specifically stated that he has rendered work during his stay at Patna as per order of the authority, as such, entitled to payment of salary but to no result.

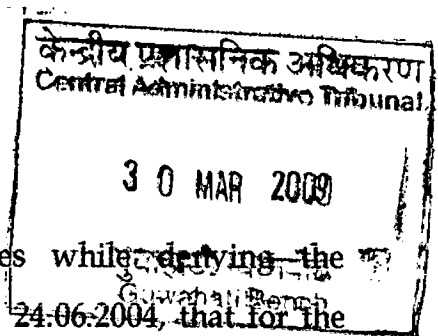
Copy of the representation dtd. 16.12.2006 is enclosed as Annexure- 25.

- 4.26 That the Executive Engineer (E), CPWD, Guwahati vide letter no. 8(2)/GED-1/E-1/06-07/394 dtd. 12.03.2007 quoting the reference of letter dtd. 08.02.2007 requested the applicant to submit leave application for regularization of the period of absence from duty w.e.f 27.09.2001 to 09.07.2004 failing which action will be taken as per rules.

Copy of the letter dtd. 08.02.2007 and letter dtd. 12.03.2007 are enclosed as Annexure- 26 and 27.

- 4.27 That it is stated that contention of the respondents that the applicant has claimed that he had continued to work beyond the date of release is false and fabricated as alleged by the Deputy Director of Administration (SLM) in his O.M dtd. 08.09.2006 is highly shocking and uncalled for in the facts and circumstances of the case of the applicant. It appears from the

Surendra Nath Sahar



correspondences of the departmental authorities while denying the payment of pay and allowance w.e.f 01.10.2001 to 24.06.2004, that for the sake of denial of pay and allowances to the applicant an effort is made to ignore and overlook the order of the higher authority i.e. Director general of works, CPWD, Nirman Bhawan, New Delhi, who had passed the order of bifurcation dtd. 18.09.2001. Wherein, the Director General had specifically stated that all the staff including Group- C and D employees have been allotted to the above 2 regions on "as is where is basis". Therefore, question of implementation of the transfer order dtd. 12.07.2001 after 18.09.2001 does not arise at all. Since the order of bifurcation have been passed by the highest authority of the respondent department following the decision of the Govt. of India. As such there is no question arises on the part of the applicant to justify that whether he had rendered duties and responsibilities after 24.09.2001. The order of release passed by the Assistant Engineer is contrary to the order passed by the Director General (works), New Delhi. The consequential order dtd. 28.09.2001 issued by the Superintending Engineer (Coord.), CPWD, Kolkata infact based on the order dtd. 18.09.2001 of the Director General (works), whereby Superintending Engineer (Coord.) directed that all transfer orders which were not implemented should be kept in abeyance by virtue of the order dtd. 18.09.2001 and 28.09.2001, the applicant does not require to establish whether he has rendered works after the alleged release order dtd. 24.09.2001, rather the applicant is liable to be treated as an employees allotted to the eastern region in view of the O.M dtd. 18.09.2001 and on that short ground he is entitled to full salary w.e.f 01.10.2001 to 30.06.2004.

In the facts and circumstances, Hon'ble Tribunal be pleased to direct the respondents to pay full pay and allowances w.e.f 01.10.2001 to 30.06.2004 with 18% interest.

- 4.28 That most surprisingly Executive Engineer (E), GED, No. 1, CPWD, Guwahati informed the applicant that as approved by the Chief Engineer (E), EZ, CPWD, Kolkata vide office memo: No. 9/37/97-Admn/Vol- 8 A dtd. 31.01.2007 and in pursuance of Rule 25 of the CCS Leave Rules. The alleged period of absence of the applicant now A.E (E) attached to

Surendra Nath Sahel

30 MAR 2009

Guwahati electrical Division no. 1 has been declared "dies non" for all purposes for the period of alleged for the period from 27.09.2001 to 09.07.2004. It is relevant to mention here that while passing the impugned order of "dies non" for the period of alleged absence w.e.f 27.09.2001 to 09.07.2004, no procedure established by law is followed by the authority, as a result order of "dies non" has been issued in gross violation of principle of natural justice. Surprisingly, even the impugned memo. Dtd. 31.01.2007, which was alleged to have been approved by the Chief Engineer has not been supplied to the applicant. Therefore, Hon'ble Tribunal be pleased to direct the respondents to produce all relevant record, file pertaining to the order of the "dies non" including the copy of the impugned memo dtd. 31.01.2007.

After the order of bifurcation passed by the Director General (works), CPWD, New Delhi and the consequential order dtd. 28.09.2001 issued by the Superintending Engineer (Coord.), CPWD, Kolkata, the respondent authority has no jurisdiction to insist upon the applicant to proceed on transfer to N.E.Region from Eastern Region and accordingly when the highest authority of the respondent department as well as the competent authority i.e S.E (Coord.), Kolkata has passed specific order not to implement any transfer or posting order in view of the order of bifurcation dtd. 18.09.2001, whereas the question to justify whether the applicant has rendered any work during his stay at Patna does not arise at all.

In the facts and circumstances the case of the applicant, such order of "dies non" passed vide impugned office order dtd. 19.03.2007 and the memo. of approval of Chief Engineer dtd. 31.01.2007 are liable to be set aside and quashed.

Copy of the impugned office order dtd. 19.03.2007 is enclosed as Annexure- 28.

4.29 That this application is made bona fide and for the ends of justice.

#### 5. GROUND(S) FOR RELIEF (S) WITH LEGAL PROVISION

5.1 For that, impugned transfer order transferring the applicant from Patna to Silchar under Head quarter office Imphal vide office order dtd. 12.07.2001

Surendra Nath Saha

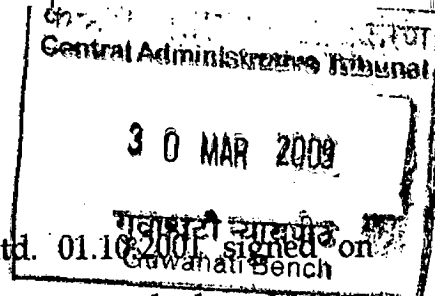
30 MAR 2009

Order of Eastern  
Guwahati Bench

was not implemented prior to declaration of bifurcation order of Eastern Region dtd. 18.09.2001, as such the transfer order dtd. 12.07.2001 has lost its force after passing of the bifurcation order by the Director general (works), CPWD.

- 5.2 For that transfer order was issued by the Superintending Engineer (coord.) Circle, CPWD, Kolkata on 12.07.2001, whereas order of bifurcation of erstwhile Eastern Region into B.I, Eastern Region comprising Sikkim, West Bengal, Bihar and part of Madhya Pradesh (Chattisgarh) and B.II, N.E. Region, comprising Assam, Meghalaya, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh declaring matters of recruitment, promotion, confirmation, transfer etc. Group C and Group D staff should be bifurcated and allotted to the above 2 regions on "as is where is basis", as such transfer order dtd. 12.07.2001 has become infructuous on the face of the order dtd. 18.09.2001.
- 5.3 For that the order of transfer dtd. 12.07.2001 has not been implemented on the date of declaration of bifurcation order dtd. 18.09.2001 and as such, applicant has been allotted to Eastern Region, B.I on "as is where is basis", which is further confirmed by the order dtd. 28.09.2001 issued by the Superintending Engineer (Coord.), CPWD, Kolkata i.e the competent authority on other words by cadre controlling authority, has kept in abeyance all transfer and posting order of Group C and Group D staff including the Junior Engineer from Eastern Region to N.E. Region in the event of non implementation till further order. As such the transfer order dtd. 12.07.2001 and alleged release order dtd. 24.01.2007 has lost its force in view of the order dtd. 18.09.2001 and 28.09.2001.
- 5.4 For that the letter dtd. 23.07.2002 (Annexure-23) issued by the Assistant Engineer (E), CPWD, Mokamaghat, wherein it is observed in para 4 as follows:-
- "Sri P.K.Paul, Junior Engineer (E) gone on leave w.e.f 14.9.2001 to 23.9.2001, hence no handing over/taking over was done by both the JE(E) and on 24.9.2001 Sh.S.N.Sahay, JE (E) was re-leveled by this office with all charges with them."

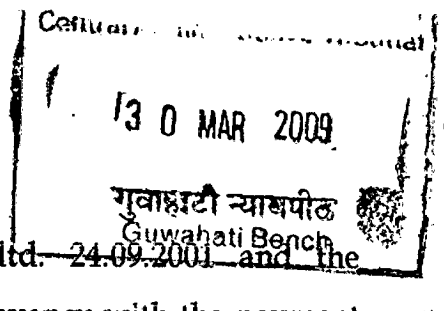
Surendra Nath Sahoo



The office order of the Executive Engineer dtd. 01.10.2001, wherein it is declared that the applicant attached under this division but under the order of transfer to Silchar has been granted T.A/D.A advance of Rs. 30,100/- makes it abundantly clear that the transfer order dtd. 12.07.2001 was never implemented prior to declaration of bifurcation order dtd. 18.09.2001 or consequential order dtd. 28.09.2001. Hence, order of transfer dtd. 12.07.2001 is liable to be treated as kept in abeyance and as a consequence applicant is entitled to salary w.e.f 01.10.2001 to 30.06.2004 treating the applicant as a regular employee of eastern region with 18 % interest. Order of the higher authority always prevails over the order of the subordinate authority.

- 5.5 For that when the order of transfer is kept in abeyance following the order of bifurcation dtd. 18.09.2001 issued by the Director of Administration with the approval of DG (W), New Delhi allotting the existing employees into eastern regions and North Eastern Region on "as is where is basis", the alleged release order dtd. 24.09.2001 passed by the Assistant Engineer (E), Mokamaghat has no force in the eye of law since the order of bifurcation dtd. 18.09.2001 already came into operation. As a result by operation of law applicant is an employee of eastern region. Moreover, in view of passing of the consequential order dtd. 28.09.2001 issued by the cadre controlling authority i.e Superintending Engineer (Coord.), Kolkata directing the authorities to keep in abeyance all transfer orders already passed.
- 5.6 For that declaration of the Assistant Engineer and Executive Engineer (E) to the effect that the applicant has not rendered any work contrary to the office record has no consequence so far payment of salary of the applicant for the period from 01.10.2001 to 30.06.2004 in view of passing of the order of the higher authority dtd. 18.09.2001 and 28.09.2001.
- 5.7 For that, the letter dtd. 01.10.2001, which was signed by the Executive Engineer (E), Patna has specifically declared that the applicant was attached to his division while granting TA, DA advance to the applicant to enable him to join at new place of posting at Silchar. Therefore it is abundantly clear that the order of transfer was not implemented even on 29.09.2001 or 01.10.2001 and thereafter. Moreover, lower authority also has no jurisdiction to implement the order of transfer, after 18.09.2001 or

*Surendra Nath Sahai*



28.09.2001. As such alleged relieving order dtd. 24.09.2001 and the allegation of non performance of work has no relevancy with the payment of salary of the applicant w.e.f 01.10.2001 to 30.06.2004.

- 5.8 For that payment of salary for the month of September, 2001 also establishes the fact that the applicant was very much within the strength of Patna Division and the authority has no jurisdiction to treat the period from 27.09.2001 to 09.07.2004 as unauthorized absence from duty in view of bifurcation order dtd. 18.09.2001 also in view of consequential order dtd. 28.09.2001.
- 5.9 For that the respondents while passing the impugned order dtd. 10.10.2006 rejecting the claim of the applicants for payment of salary w.e.f 01.10.2001 to 30.06.2004 did not consider the legality and validity of the alleged release order dtd. 24.09.2001 and the order of the Executive Engineer dtd. 01.10.2001 signed on 29.09.2001 granting T.A, D.A to enable the applicant to join at new place of posting at Silchar.
- 5.10 For that when the charge of the applicant directed to be handed over by the alleged relieving order dtd. 24.09.2001 issued by the Assistant Engineer, Mokamaghat ignoring the order of bifurcation dtd. 18.09.2001. As such order dtd. 24.09.2001 is not sustainable in the eye of law rather the order dtd. 24.09.2001 is a void order.
- 5.11 For that the decision of the respondents to declare that the period from 27.09.2001 to 09.07.2004 as "dies non" without following the established procedure of law and also in gross violation of the principle of natural justice, the impugned approval order dtd. 31.01.2007 and the impugned office order dtd. 19.03.2007 are liable to be set aside and quashed.
- 5.12 For that when the transfer order dtd. 12.07.2001 is kept in abeyance following the order of bifurcation dtd. 18.09.2001 and 28.09.2001, the question of submission of leave application by the applicant for the period from 27.09.2001 to 09.07.2004 is highly arbitrary, illegal and liable to be set aside and quashed.
- 5.13 For that respondents authority has no jurisdiction or scope to treat the order of transfer dtd. 12.07.2001 as implemented in view of specific order of bifurcation issued on 18.09.2001 and consequential order dtd. 28.09.2001 by the higher authority.

Surendra Nath Sahai

30 MAR 2009

गुवाहाटी न्यायपीठ

Guwahati Bench

- 5.14 For that applicant has rendered work during his stay in Patna Division from the period from 27.09.2001 to 09.07.2004 or from the period from 01.10.2001 to 24.06.2001 as evident from the office record.
- 5.15 For that the applicant repeatedly submitted representation pointing out that in view of bifurcation dtd. 18.09.2001 as well as in view of consequential order dtd. 28.09.2001 to regularize his posting order afresh since the order of transfer dtd. 12.07.2001 is already kept in abeyance but to no result.
- 5.16 For that the vacant post of Junior Engineer, Silchar under Head Quarter, Imphal Division has already been filled up by fresh recruitment of Junior Engineer, as such posting of the applicant at Silchar pursuant to the order dtd. 12.07.2001 does not arise at all.
- 5.17 For that the applicant has been subsequently posted at CPWD, Guwahati by a fresh order of transfer bearing letter no. 21 (104)/SE (coord.) ER/CPWD/CAL/20904/327 dtd. 31.05.2004, superseding all previous order. As such period from 27.09.2001 to 09.07.2004 or period from 01.10.2001 to 30.06.2004 cannot be declared as "dies non" on alleged unauthorized absence.

6. **DETAILS OF REMEDIES EXHAUSTED.**

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. **Matters not previously filed or pending with any other Court.**

The applicant had not previously filed any application, Writ petition or suit before any court or any other authority or any other bench of the Tribunal regarding the subject matter of this application nor any such application, writ petition or suit is pending before any of them.

8. **Relief (s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

Surendra Nath Saha

13 0 MAR 2009

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quashed the impugned office order Mo. O.M No. A22015/38/2002-EG-VI/947 dtd. 08.09.2006 (Annexure- ), letter no. 21.09.2006 (Annexure- ), letter No. 8(4)/GCEC/E-I/2006/382 dated 10.10.2006 and letter bearing No. 8(2)/GED-I/E-I/06-07/2135 dtd. 06.11.2006 (Annexure- and respectively).
- 8.2 That the Hon'ble Tribunal be pleased to set aside and quashed the impugned office order dated 19.03.2007 (Annexure- ) declaring the period from 27.09.2001 to 09.07.2004 declaring as "dies non".
- 8.3 That the Hon'ble Tribunal be pleased to direct the respondents to treat the period from 27.09.2001 to 09.07.2004 and or 01.10.2001 to 30.06.2004 as on duty for all purposes in respect of the applicant.
- 8.4 That the Hon'ble Tribunal further be pleased to direct the respondents to pay arrear salary to the applicant w.e.f 01.10.2001 to 30.06.2004 with 18% interest.
- 8.5 To pass any other order or orders as deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar to the respondents for considering the case of the applicant.

10. ....

This application is filed through Advocates.

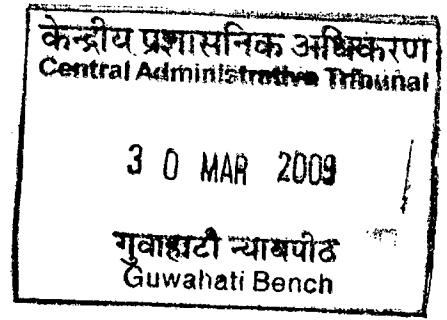
11. Particulars of the I.P.O.

- |      |               |                     |
|------|---------------|---------------------|
| i)   | I. P. O. No.  | : 39 G 39 2795      |
| ii)  | Date of Issue | : 02.02.09          |
| iii) | Issued from   | : G. P. O. Guwahati |
| iv)  | Payable at    | : G. P. O. Guwahati |

12. List of enclosures.

As given in the index.

Surendra Nath Sahel



### VERIFICATION

I, Sri Surendra Nath Sahay, Son of Late Jamuna Lal, aged about 57 years, working as Assistant Engineer (Electrical) in the office of the Guwahati Central Electrical Sub Division, CPWD, Guwahati-21, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 14<sup>th</sup> day of February 2009.

*Surendra Nath Sahay*

MOST IMMEDIATE/OUT TODAY

Office of the Superintending Engineer, Co-Ordination, CPWD, Eastern Region,  
Nizam Palace, Kolkata - 700 020.केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

F.No. : 21(1)SEC/JEC/ER/CPWD/CAL/2001 / 490

DATE: 12.7.2001

30 MAR 2009

## OFFICE ORDER

The Chief Engineer, EZ (E) CPWD, Kolkata is pleased to order the transfer/posting of the following Engineers (Electrical) with immediate effect in public interest :-

Sl. No.	Name	From	To	Remarks
1.	R.K. Bose	CCEC-II/CAL	CCEC-II/CAL	Retention granted up to 03/2002
2.	S.K. Basak	CCEC-II/CAL	CCED-V/CAL	Vice Salil Tarafdar
3.	Probir Kr. Paul	CCED-III/CAL	PCED/PATNA	Vice S. N. Sahay
4.	Arun Kr. Addhya	CCED-I/CAL	GCED-I/GUWAHATI	Vice Dilip Deka
5.	B.S. Saha	CCED-III/CAL	CCED-III/CAL	Retention granted up to 03/2002
6.	Salil Tarafdar	CCED-V/CAL	SCED/Silchar (H. Q. Imphal) ✓	Vice S. N. Dey
7.	N.P. Chakraborty	CCED-IV/CAL	BCED/BHAR	Vice K.K. Roy (Already Transferred)
8.	U.K. Mondal	CCED-IV/CAL	SCED/Silchar (H.Q. Imphal) ✓	Vice M. K. Biswas (Already Transferred)
9.	S. N. Sahay	PCED/Patna	SCED/Silchar (H.Q. Imphal) ✓	Vice A. Chakraborty (Already Transferred)
10.	B. C. Dutta	CCED-V/CAL	PCED/Patna	Vice S. Ganguly (Already Transferred)
11.	Dilip Deka	GCED-I/Guwahati	ICED/Tezpur	Existing Vacancy
12.	Debrabata Das	CCED-I/CAL	CCED-IV/CAL	Vice Subrata Ghosh
13.	Mukul Chandra Das	CCED-III/CAL	CCED-IV/CAL	Vice U. K. Mondal
14.	Subrata Ghosh	CCED-IV/CAL	CCED-II/CAL	Vice Debrabata Das
15.	T. K. Nanda	CCED-IV/CAL	CCED-III/CAL	Vice Mukul Chandra Das
16.	B.K. Biswal	RCED/Ranchi	RCED/Ranchi	Retention granted upto 03/2002
17.	A.B. Kundu	SCED/Siliguri	SCED/Siliguri	Retention granted upto 03/2002
18.	B. Bhattacharjee	CCEC-II/CAL	CCED-V/ (H.Q. Durgapur)	Vice B. C. Dutta
19.	Kallol Mukherjee	CCED-IV/CAL	SCED/Silchar (H.Q. Imphal) ✓	Vice A. K. Bhunia (Already Transferred)
20.	S. Sinha	GCED-I/Guwahati	CCED-III/CAL	Vice P. K. Paul
21.	S. N. Dey	SCED/Silchar (H.Q. Imphal)	CCED-IV/CAL	Vice Kallol Mukherjee

E-C - 2

Copy to the person concerned

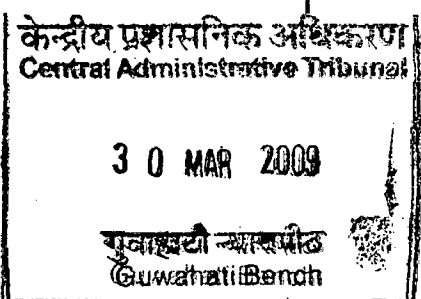
(Superintending Engineer, Co-ordination/Director of Works)

Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Nizam Palace, Kolkata - 700 020.

Attested  
Dutta  
Adv

The Executive Engineer (E), Guwahati Electrical Division No. II, CPWD, Borjhar, Guwahati - 781 015.

Superintending Engineer (Elect.)



(Typed true copy)

Note:

1. In terms of DGW, CPWD, New Delhi's O.M No. A-22015/72/2000-EC-VI dated 9.8.2000, unless otherwise specified, the Junior Engineers Under order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest without waiting for substitute. The relief of officials should not be delayed by the controlling officers for any reason. The cases, where officials under orders of transfer are not relieved within 30 days, will be brought to notice of the Director General of works for taking action against the defaulting controlling officers.
2. Whenever a junior Engineer (Electrical) posted in a particular Division/Circle Zone, the controlling officer must accept the joining report and in case of non-availability of the particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Electrical).
3. Due to increase in normal tenure at soft stations, it is very likely that there will be Engineers in excess of sanctioned strength in some officers which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who on their transfer, submit their joining report in them if something they want to say, they may take up the matter later with this office.
4. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to joining their new places of posting and the relief of such officials should not be held up for any reason whatsoever.
5. In case the Junior Engineers (Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office thereafter unless their transfer order are cancelled/modified or further instructions issued by this office or the Director General of Works, CPWD, New Delhi.
6. The posting of Junior Engineers (Electrical) have been issued after observing due procedures/broad guidelines as per DGW's O.M No. A-22015/8/97-EC VI dt. 04.10.99 and transfer/posting policy as per this office O.M No. 22019-SE ©/CPWD/ER/JE (C&E)/CAL/2001/153 dt. 23/02/2001.

Sd/-

(Superintending Engineer, Co-ordination/Director of Works)

Copy To:

1. The Director General of Work, CPWD, New Delhi.
2. The Addl. Director General (ER), CPWD, Kolkata.
3. All Chief Engineers (Civil & Electrical), CPWD of Eastern Region.
4. All Superintending Engineers (Civil & Electrical) i/c Superintending Engineers (P&A) of CPWD Eastern Region.
5. All Executive Engineers (Civil & Electrical) of CPWD, Eastern Region.
6. The concerned officials through respective controlling officers.
7. The Regional Secretary, CPWD Junior Engineers' Association, Kolkata

Sd/-

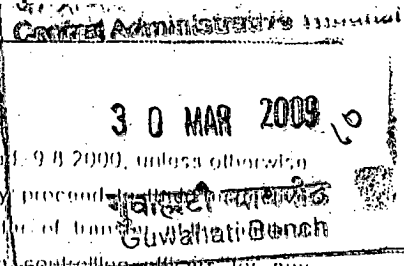
(S. Roy)

Engineer Assistant to Superintending Engineer, Co-ordination

Attested  
Adm  
Adv

Note :

-32A-



1. In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/72/2009-EC-VI dated 9.8.2009, unless otherwise specified, the Junior Engineers Under order of transfer and posting shall immediately proceed to their new place of posting and all the controlling officers shall relieve the officials under order of transfer within 30 days without waiting for substitute. The relief of officials should not be delayed by the controlling officers for any reason. The cases, where officials under orders of transfer are not relieved within 30 days, will be brought to notice of the Director General of works for taking action against the defaulting controlling officers.
2. Whenever a Junior Engineer (Electrical) posted in a particular Division/Circle/Zone, the controlling officer must accept the joining report and in case of non-availability of the particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Electrical).
3. Due to increase in the normal nature of staff stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter later with this office.
4. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to join their new places of posting and the relief of such officials should not be held up for any reason whatsoever.
5. In case the Junior Engineers (Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office thereafter unless their transfer order are cancelled/modified or further instructions issued by this office or the Director General of Works, CPWD, New Delhi.
6. The Posting of Junior Engineers (Electrical) have been issued after observing due procedures/broad guidelines as per Govt's O.M. No. A-22015/8/97-EC-VI dt 6-10-99 and transfer/Posting policy as per this office O.M. No. 21/SE & CPWD/ER/JE (C & E)/CAL/294/153 dt 23/02/2001.

(Superintending Engineer, Co-ordination / Director of Works)

Copy To :

1. The Director General of Work, CPWD, New Delhi.
2. The Addl. Director General (ER), CPWD, Kolkata.
3. All Chief Engineers (Civil & Electrical), CPWD of Eastern region.
4. All Superintending Engineers (Civil & Electrical) /c Superintending Engineers (P & A) of CPWD Eastern Region.
5. All Executive Engineers (Civil & Electrical) of CPWD, Eastern Region.
6. The concerned officials through respective controlling officers.
7. The Regional Secretary, CPWD Junior Engineers' Association, Kolkata.

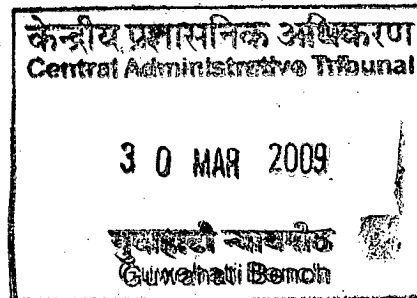
(S. Roy)

Engineer Assistant to Superintending Engineer, Co-ordination

READ: Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Hazratganj, Kolkata-700 020

Attended  
Dutta  
Adv

To,  
 ✓ The Superintending Engineer co-ord circle  
 C.P.W.D Nizam Palace  
 234/4 Acharya J.C. Bose road  
 17<sup>th</sup> floor M.S.O Building  
 Kolkata 700020 (W.B)



Through proper channel

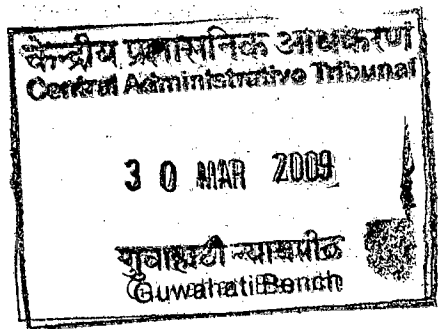
Sub :- Request for cancellation/modification of transfer order

Sir,

With due respect I beg to lay down following few lines for your kind perusal and favourable orders.

- I. That in the month of April 91, I for go T.A.Da for patna posting which is my home town. Accordingly I got transfer for patna but at that time no post was vacant in patna, so the then Executive Engineer directed me to report for duty to Assistant engineer (Electrical) Mokamaghat. The Posting of Mokamaghat was not as per my choice.
- II. I serve in B.F.R. work in K.C.D. in year 90.8.91 and at that time the posting in B.F.R. circle was counted as hard area, due to that posting education of my children was suffered as no Hindi medium school was there.
- III. My transfer order has been issued vide order No. 21 (1) S.E.(c) / J.E. (C) / E.R. / C.P.W.D/Cal/2001/ 490 dt 12/07/2001 and I have been order to move to Silcher, i.e, my new posting it was rather shocking for me to have received transfer order for Silcher, why I am not getting my home town patna after performing 24 years service as J.E.(E). Hence the transfer order is unfair and unjust.
- IV. My daughter taken admission in patna in B.A. Part- I and my son also taken admission in patna in class XI in science. They are reading in Hindi medium ~~xxxxxx~~, their Registration also have been made as the Exam of my daughter of B.A. Part I will be held in month of march 2002 and final board Exam of my son will be held in 2003.
- V. The authority concerned who has issued above mentioned order is well aware of the fact that once registration have been made and already two months passes in academic session change of place and change of medium of study must adversely affect study of my children at this junction when their registration for university Exam and board Exam have already been made with concern university and zone. If I leave them in patna and resume duty in silchar no one is available to look after my children.
- VI. It is imperative to mention here that my daughter is a girl

Attested  
 Writta  
 Adv



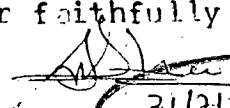
- Patient of Rheumatic and Asthmatic and undergoing treatment at G.C.C.R.P.F. Hospital Mokamaghat. Climatic condition of Silcher being North East zone remains cold and dump almost. thought out the year will not at all suit her and will have detrimental effect on her health and study.

- VII. Apart from above my wife is suffering from Gynic problem since along and she was operated upon for polipoed structure on 26.10.99 at patna by Dr. Manju Beeta Mishra. Now her body is swelling and ESR has increased considerably. Hence medical officer of G.C.C.R.P.F Hospital advice continuous treatment and care for heer.

In view of the pr blem Explained above, I request you to consider my request for cancellation of said transfer order and order me to join in Patna (Which is my home town ) to protect life. and future career of my children and wife be at stake. I shall ever remain grateful to you for this act of Kindness and justice.


Thanking you in anticipation

Your faithfully

  
21/7/2008  
S. N. Sahai  
Jr. Engineer- (Electric)  
Mokamaghat Central  
Electrical Subdivision  
C.P.W.D. Mokamaghat.

Copy of the 1) JE Association, Regional office, C.P.W.D. Nizam Palace Kolkata for information & necessary action for my Posting at Patna.

- II) JE Association, Branch office, C.P.W.D Patna for information & necessary Pursu.

  
21/7/2008  
S. N. Sahai  
Jr. Engineer (Elect.)  
M.E.S.D. Mokamaghat

No. 14/21/91-EC.IV(C)

Government of India

Directorate General of Works

Central Public Works Department

Nirman Bhawan, New Delhi.

Dated the 18<sup>th</sup> sept, 2001.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Office Memorandum

Subject: Creation of North Eastern Region as a separate Coordination Region.

The undersigned is directed to refer to the set up of Coordination Regions as laid out in the CPWD Manual Vol.I and state that the region 'B' comprising of West Bengal, Bihar, Orissa, Assam, Manipur, Meghalaya, Arunachal Pradesh and part of Madhya Pradesh will be bifurcated with immediate effect as under:-

I. B I - Eastern Region: Comprising: Sikkim, West Bengal, Bi<sup>h</sup> and part of Madhya Pradesh (Chhattisgarh).

B II - North Eastern Region: Comprising Assam, Meghalaya, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh.

For matters of recruitment, promotion, confirmation, transfer etc, group 'C' and 'D' staff including work-charged staff shall be bifurcated accordingly and allotted to the above two regions on 'as-is-where-is' basis. SE(Coordination) 'B', Eastern Region, shall continue to look after both Regions- B I and B II in terms of the functions assigned under para 10 of CPWD Manual, Vol. I.

The staff who are allotted to NER (B.II) will be asked to give their willingness to remain in NER (B.II) and

1. All the staff who indicate the above willingness will remain a part of NER and their transfers shall be confined to NER (B.II) region.
2. Those staff of NER who do not indicate their willingness for NER (B.II) will retain claim to be transferred to Eastern Region (B.I). Such transfers from NER to ER will be done on seniority basis subject to availability of vacancy in Eastern Region (B.I) and availability of substitute staff for NER (B.II).
3. All future recruitment to NER (B.II) and ER (B.I) will be done separately and transfers will be confined to within the respective regions.

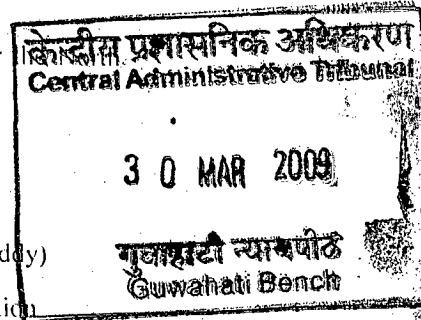
Attested  
Mulla  
Adv

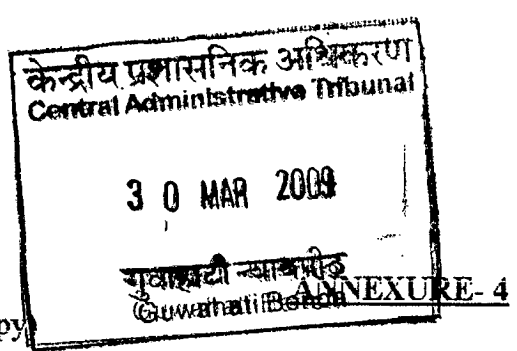
4. All transfers from ER to NER and vice versa will fall in the category of regional transfers.

The Staff of NER will be eligible for the special concessions for East Region subject to fulfilling the condition laid down in the Govt. rules.

This issue with the approval of DG (W)

(A. Madhukumar Reddy)  
Director of Administration





(Typed true copy)

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 9 (1)/MCESD/01/649

Date: - 14/9/2001

OFFICE ORDER

In accordance with Superintending Engineer (Co-Ord) Circle, C.P.W.D. Calcutta letter No. 21 (1)/SE (C)/JE (C)FR/ C.P.W.D./Cal/2001/490 dated 12.7.2001 and E.E/PCED/CPWD letter No. 21 (1)/PCED/2001/1841-51 Date- 10.9.2001 following charges are to be handed over/Taken over by the JE (E) of this Sub-Division with immediate effect.

A: From Shri T.K. Das to Shri P.K. Paul JE (E)

1. M.O.E.T & fans in Nos- Residential building i/c A.C. Plant at G.C., C.P.P.F. Mokamaghat.
2. M.O.E.T & fans in Residential building at G.C., C.R.P.F. Mokamaghat.

B: From Shri S.N. Sahay to Shri P.K. Paul JE (E)

1. M.O.F & M Works of MF/LT over head line i/c 5 Nos substation, H.T. Panel, street light and service connection at G.C. C.R.P.F, Mokamaghat.
2. M.O.E.I & fans i/c Water Pump set sewerage pump set, overhead line street light at Bharat Wagon and Engineering Co. at Mokamaghat.
3. 76 Nos. type- II, quarters newly construction.

C: From Shri S.N. Sahay to Shri T.K. Das. JE (E)

1. R.M.O water pump/sewerage pump at G.C. C.R.P.F. Mokamaghat.
2. R.M.O of 75 KVA/G.C. set and 7.5 KVA D.G. Set at G.C. C.R.P.F Mokamaghat.

Assistant Engineer (Elect)  
Mokamaghat Central Elect. Sub-Division.  
Central Public Works Department.  
Mokamaghat.

Copy to:

1. The Executive Engineer (Elect), Patna Central Elect, Division, C.P.W.D, Punai Chake, Patna- 23 for information please.
2. Shri S.N. Sahay, Junior Engineer (Elect), for information.
3. Shri T.K. Das, Junior Engineer (Elect) for information.
4. Shri P.K. Paul, Junior Engineer (Elect), for information.

ASSISTANT ENGINEER(ELECT)

*Attested  
Dulla  
Adv*

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
\*\*\*\*\*

No. 9(1)/CPWD/01/

649

Dated :- 14/9/2001

OFFICE ORDER

In accordance with Superintending Engineer (Co-Ord) Circle, C.P.W.D., Calcutta Letter No. 21(1)/SE(C)/JE(c)FR/C.P.W.D., Cal/2001/490 dated - 12.7.2001 and E.E. (S)/CPWD/CPWD letter No. 21(1)/PCED/2001/1841 - 51 Dated - 10.9.2001 following charges are to be handed over / Taken over by the JE of this Sub-Division with immediate effect.

A: From Shri T.K. Das to Shri P.K. Paul JE(E)

1. M.O.E I & fans in Non - Residential building i/c A.C. plant at G.C., C.R.P.F. Mokamaghat.
2. M.O.E.I & fans in Residential building at G.C., C.R.P.F. Mokamaghat

B: From Shri S.N. Sahay to Shri T.K. Paul JE(E)

1. M.O.W. & H works of HT/LT over head line i/c 5 Nos sub-station, H.T. panel, street light and service connection at G.C., C.R.P.F. Mokamaghat
2. M.O.E.I & fans i/c Water pump set sewerage pump set, over head line street light at Bharat Wagon and Engineering Co. at Mokama.
3. 76 Nos. type -II, quarters newly Construction

C: From Shri S.N. Sahay to Shri T.K. Das, JE(E)

1. M.O. water pump /sewerage pump at G.C., C.R.P.F. Mokamaghat
2. M.O. of 75 KVA/D.G. set and 7.5 KVA D.G. set at G.C., C.R.P.F. Mokamaghat.

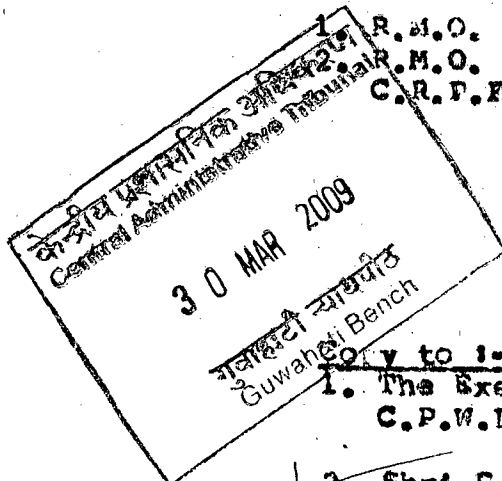
Assistant Engineer (Elect),  
Mokamaghat Central Elect. Sub-Division.  
Central Public Works Department.  
Mokamaghat.

Copy to :-

1. The Executive Engineer (Elect), Patna Central Elect. Division C.P.W.D., Punai Chake, Patna - 23 for information please.
2. Shri S.N. Sahay, Junior Engineer (Elect), for information.
3. Shri T.K. Das, Junior Engineer (Elect) for information.
4. Shri P.K. Paul, Junior Engineer (Elect), for information.

*K.C. Sengupta*  
ASSISTANT ENGINEER (ELECT)

Attested  
Dutta  
Adv



No. 9(1)/MCESD/01/675

30 MAR 2009

24.9.2001

OFFICE ORDER  
Gawahati Bench

In accordance with Superintending Engineer, Co-Ordination Circle, C.P.W.D., Nizam Palace, Calcutta letter No. 21(1)/SE(C)/JE(E) ER/CPWD/Cal/2001/490 dated - 12.7.2001 Shri S.N. Saha Junior Engineer(Elect) is hereby relieved from duty to-day 24.9.2001 A.M. from this sub-Division and directed to report to the Executive Engineer(Elect), /PCED/CPWD/Patna for final relieving from Division level. Shri P.K. Paul, J.E.(E) has already joined on his place on - 11.9.2001 in this office. He is also directed to hand over all his charge to Shri P.K. Paul, J.E.(E), immediately ~~in this respect~~ it is not handed over, in this respect office order has already been ~~except~~ <sup>issued</sup> vide this office letter No. 9(1)/MCESD/01/649 dated - 14.9.2001.

Assistant Engineer(Elect),  
Mokamaghat Central Elect. Sub-Division,  
Central Public Works Department,  
Mokamaghat

Copy for information to :-

1. The Executive Engineer(Elect), Patna Central Elect. Division, C.P.W.D., Punai Chake, Patna with request to relieve him final from his level.
2. The Superintending Engineer(Elect), Patna Central Elect. Circle, C.P.W.D., Patna.

✓ 3. Sr. S.N. Saha JE(E)/MCESD/CPWD. Mokamaghat

ASSISTANT ENGINEER(ELECT)

Attested  
With  
Adm

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
\*\*\*\*\*

Annexure-6

No. 2H(1)/CPWD/2001/ 2145-51

Dated Patna, the 27/9/2001.

## OFFICE ORDER.

In pursuance of Superintending Engineer, Co-ordination Circle, CPWD, Kolkata office order No. 2H(1)/SE(C) JE(E) EE/CPWD/Cal/2001/490 dtd. 12.7.2001 and consequent relieving order of A.D.(E) Mokama vide his office order No. 9(1)/MCSB/01/675 dated 24.9.2001, Sri S.N. Sahay, Junior Engineer (Electrical) is hereby relieved from this Division with effect from 24.9.01 with direction to report for duty to the Executive Engineer (E), Silchar Cent. Elect. Division, CPWD, Silchar (H.O. Imphal), immediately.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 MAR 2009

Executive Engineer (E),  
Patna Central Elect. Division,  
C.P.W.D., Patna.

Copy for information and necessary action to :-

1. Superintending Engineer, Co-ordination Circle, CPWD, Kolkata with reference to his letter No. quoted above.
2. Superintending Engineer (E), Patna Cent. Elect. Circle, CPWD, Patna.
3. Executive Engineer (E), Silchar Cent. Elect. Division, CPWD, Silchar (H.O. Imphal).
4. ✓ Sri S.N. Sahay, Junior Engineer (E), through Assistant Engineer (E), Mokama Central Elect. Sub-Division, CPWD, Mokamaghat.
5. Assistant Engineer (E), Mokama Central Elect. Sub-Divn., CPWD, Mokamaghat with reference to his letter No. 9(1)/MCSB/01/675 dated 24.9.2001. He should have directed the Junior Engineer to report duty to the Executive Engineer (E), Silchar Cent. Elect. Division, CPWD, Silchar (Imphal) directly instead of this division as per order of Superintending Engineer (Co-ordination).
6. Bill Clerk, Patna Central Elect. Division, CPWD, Patna.
7. Pay & Accounts Officer, CPWD, Kolkata-20.

Attested  
Duty  
Adv

EXECUTIVE ENGINEER (ELECT.)

GOVERNMENT OF INDIA -40-  
CENTRAL PUBLIC WORKS DEPARTMENT  
\*\*\*\*\*

No. 30(1)/PCED/2001/

2205-12  
Dated Patna, the 01/11/2001.

**OFFICE ORDER**

In terms of Rate 222-223 of GFR(R&E) 1963, sanction is hereby accorded the following advances to Shri S.N. Sahay, JE(E), attached ~~to~~ under this Division who is under order of transfer from this Division to a silchar Central Electrical Division, CPWD; Silchar (K.H.Q. Imphal) vide Superintending Engineer, Co-ordination Circle, CPWD; Kolkata vide office order No. 21(1) SE(C)/ER/CPWD/cal/2001/490 dated 12.7.2001.

- (1) Transfer grant  
(One month basic pay)

Rs. 8,300/-

- (2) T.T.A. for 4 nos. Adult  
from Mokamah to silchar  
(H.Q. Imphal) i/c ~~XXXXXX~~

Transportation charges of materials. Rs. 21,800/-

Total - Rs. 30,100/=

(Rupees thirty thousand and one hundred) only.

Executive Engineer (E),  
Patna Central Elect. Division,  
C.P.W.D., Patna.

Copy forwarded for information & necessary action to the:-  
1. Superintending Engineer, (Co-Ordination Circle) CPWD; Kolkata-20.

2. Superintending Engineer(E), Patna Central Elect. Circle, CPWD; Patna.

3. Pay & Accounts Officer, (EZ) CPWD; Kolkata-20.

4. Executive Engineer (E), silchar cent. Elect. Division, CPWD; silchar (H.Q. Imphal).

5. Cashier in duplicate.

6. Bill clerk.

7. Assistant Engineer (E); Mokamah Cent. Elect. sub-Divn., CPWD; Mokamah.

8. Sri S.N. Sahay, Junior Engineer (E); C/O. A.E. (E), Mokamah.

*[Signature]*  
EXECUTIVE ENGINEER (ELECT.)

KY  
29/11/2001

*Attended  
by  
Adi*

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

30 MAR 2003

गुवाहाटी बेंच  
Guwahati Bench

Annexure - 8

GOVERNMENT OF INDIA  
OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORDINATION, CPWD, EASTERN REGION  
NIZAM PALACE, KOLKATA-700020

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

F.NO: 21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/

DATED: 28.0.2001

30 MAR 2009

## OFFICE ORDER

गुवाहाटी बेंच  
Guwahati Bench

- Consequent to the bifurcation of Eastern Region (Region 'B') in to Eastern Region (Region B.I) and North Eastern Region (Region B.II) vide DGW, CPWD, New Delhi's OM no. 14/2/91-ECIV(C) dated 18.9.2001 and instructions contained therein that all transfers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa will fall in the category of Inter Regional Transfers, **It is hereby ordered that all transfer/posting orders of Group 'C' and Group 'D' staff including the Junior Engineers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa already issued by this office but not implemented so far, shall be kept in abeyance with immediate effect till further orders.**
- All the staff who are willing to remain in the North Eastern Region (Region B.II) are hereby requested to submit their willingness within 15(fifteen) days of issue of this order. Transfer of such staff shall be confined to North Eastern Region (Region B.II).
- As per DGW, CPWD, New Delhi's OM, dated 18.9.2001 mentioned above, those staff of North Eastern Region who do not indicate their willingness for the North Eastern Region (Region B.II), will be transferred to Eastern Region (Region B.I) on seniority basis subject to availability of vacancy and availability of suitable staff for North Eastern Region. The said staff are, therefore, requested to submit their willingness for transfer to Eastern Region (Region B.I) within 15 (fifteen) days of issue of this order.
- Those staff of Eastern Region (Region 'B') who are willing to get transferred from Eastern Region (Region B.I) to North Eastern Region (Region B.II) may submit their willingness in prescribed proforma immediately for approval of the Inter Regional Transfer by the competent authority.
- All the Controlling Officers are hereby requested to send the details of unimplemented transfer orders for immediate necessary action at this end.
- The above order shall take effect from the date of issue.

(D.Hore)

Superintending Engineer (Co-ordination)

- Director General of Works, CPWD, New Delhi.
- Additional Director General (ER), CPWD, Kolkata
- Director of Administration, CPWD, Nimman Bhawan, New Delhi v.t the telephonic discussion held on 26.9.2001.
- All Chief Engineers (Civil & Elec.) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD.
- All Superintending Engineers (Civil & Elec.) i/c Superintending Engineers (P&A) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD
- All Executive Engineers (Civil & Elec.) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD.
- All recognised Unions & Associations of CPWD, Nizam Palace, Kolkata
- All Co-ord sections of Co-ord Circle.

Attested  
Adm  
Adv

(D.Hore)

Superintending Engineer (Co-ordination)

JMD REMINDER

To,

The Superintending Engineer Co-Ordination  
C.P.W.P. Nizam Palace, 234/4 Acharya J.C.  
Roso Road, 17th Floor, H.C.O. Building  
Kolkata-700020 (U.E.)

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

30 MAR 2009

Subject :- REQUEST FOR MODIFICATION OF TRANSFER ORDER  
REFERENCE TO S. H. GHATAI, JECH.

गुवाहाटी बेंच  
Guwahati Bench

Sir,

With due respect I beg to lay down following few lines for your kind perusal and favourable orders with reference to my representation dated 21-07-2001.

- i) My transfer order has been issued vide order No. 21(1)/ST(G)/JE(G)/52/CTP/CAL/2001/400 dated 12-07-2001. But, no reliever joined upto 21-7-2001 which was the last date of admission in Class XI and in P.A. Part-I. So, my daughter taken admission in Patna in P.A. Part-I and my son also taken admission in Class-XI in Calcutta.
- ii) They are reading in Hindi medium. The session of P.A. is three years and when she taken admission in P.A. She have to complete her P.A. in same University otherwise her career will be spoiled.
- iii) Moreover, it is imperative to mention that North Eastern Region has separated from our Co-ordination Region vide No. P.G(G)'s O.D.No. 14/21/21-22-JV(G) dated 12-02-2001. After that I have been relieved on 24-02-2001 to report for duty in Silcher Division which is in India.
- iv) Because a JECH can only be serve in his native Zone or in a Zone where his initial posting was given earlier. Accordingly, my initial posting was in Bhubaneswar in Orissa and my native place is in Pibor and both are in Eastern Zone. A Junior Engineer/Asstt. Engineer can only be changed his Zone on any personal reason with proper permission of P.G(G) or by option as asked by department for willingness.
- v) The authority concerned who has issued above mentioned order is well aware of the fact that once registration have been made and already two months passed in academic session, change of place and change of medium of study must adversely affect study of my children at this juncture when their registration for university Exam and Board Exam have already been made with concern university and zone.
- vi) It is imperative to mention here that my daughter is a patient of Rheumatic and Asthmatic and undergoing treatment at SC, CRPF, Hospital, Kolanaghat. Climatic condition of Silcher being North-East zone remains cold and damp almost throughout the year will not at all suit her and will have detrimental effect on her health and study.

Resd  
12/7/02  
Affected  
With  
Adv.

vii) Apart from above my wife is suffering from Gynic problem since long and she was operated upon for polypoid structure on 26-10-00 at Patna by Dr. Manju Gopal Mishra. Now her body is swelling and WBC has increased considerably. Union Medical Officer of CC, CUPP, Hospital, Mokamaghat advised continuous treatment and care for her. If I leave then in Patna and resume duty in Silchar no one is available to look after my children.

In view of the problem Explained above, I request you to consider my request for cancellation of said transfer order and order me to join in Patna (which is my home town) to protect life and future career of my children and wife will be at stake. I shall ever remain grateful to you for this act of kindness and justice.

Thanking you,  
 केंद्रीय प्रशासनिक अधिकारी  
 Central Administrative Tribunal  
 30 MAR 2009  
 गुवाहाटी न्यायपीठ  
 Guwahati Bench.

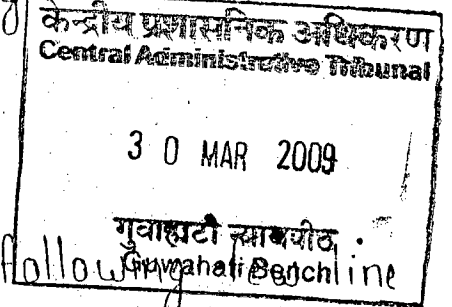
Yours faithfully

( S. N. SAWAI )  
 JR. ENGINEER (ELECTRICAL)  
 MOKAMAGHAT CENTRAL ELECTRICAL  
 SUP-DIVISION, C.F.W.D. MOKAMA

Registered Post with A/D

To,  
The Superintending Engineer (Elect)  
Patna Central Electrical Circle  
C.P.W.D. Rim Jirn building  
Jayadeva Path Patna.

Subject — Request to retain under the strength of Division  
till my further posting order.



Sir,  
With due respect I beg to lay down the following for your kind presual and favourable order please

The AE (E) / M.C.E.S.D. Mokamaghat issued an offi order vide his No. 9(1) / M.C.E.S.D. 1011649 dated 14/9/2001 at joining of Shri P.K. Poul JE (E) to hand over the following maintenance charges as under.

From S.N. Sahai JE (E) to Shri P.K. Poul JE (E)

- i) M.O.E.I and M Works for HT/LT over head line ilc 5 No Substation, HT Pannel, Street light and Service Connection at G.C.C.R.P.F. Mokamaghat.
- ii) M.O.E.I and Fans ilc water pump set, Sewarage pump set over head line, street light in Bharat Wagon Engineering at Mokama.
- iii) 76 Nos. type II newly constructed at G.C.C.R.P.F. Mokamaghat.

From S.N. Sahai JE (E) to Shri T.K. Das JE (E)

- i) R.M.O water pump / Sewarage pump at G.C.C.R.P.F. Mokamaghat
- ii) R.M.O of 75 k.V.A D.G. sets and 7.5 k.V.A D.G. set at G.C.C.R.P.F. Mokamaghat.

But, on 15.9.2001 Shri P.K. Poul went to Kolkata leave w.e.f 16.9.2001 and joined on 24.9.2001 and on v same day, AE (E) M.C.E.S.D. Mokamaghat relieved me on.

(Contd)

Attested  
By  
Adm

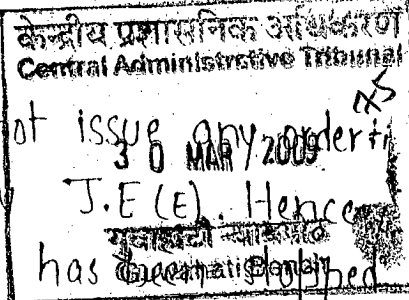
24.9.2001 A.N, without handing over of any charges. Because of per him he relieved me under pressure of SE(E) P.C.E.C. Patna. Hence the handing over of charges was not possible within few hours. However, I handed over the above said charges to shri T.K. Das on 25.9.2001 and to shri P.K. Po JE (E) on 28.9.2001. But they started taking over the charges from 24/10/2001 & 09/11/2001 respectively and took time in physically counting of materials almost three month.

Moreover, it is imperative to mention here that there is no any office order issued to hand over the following Construction works as well as minor works to any JE (E) which are held by me till to date.

- i) Construction of 28 Nos. type III Qtrs. for staff at Mokamaghat.
  - ii) Providing fluorescent fittings in type I, II, III, IV, ADIG (P) Banglow at G.C.C.R.P.F Mokamaghat.
  - iii) Rewiring of Barak No 4 & Barak No 5 Jawan Barak at G.C.C.R.P.F. Mokamaghat.
  - iv) Construction of office building for incometax department at Purnea (Providing E.I & Fans).
  - v) C/O staff quaters for incometax at Purnea (Pvdg E.I & Fans).
  - vi) C/O staff quaters for central Excise & custom at Purnea (Providing E.I & Fans).
  - vii) Pvdg L.T distribution, streetlight & Service Connection to the staff Qtrs for Central Excise & custom at Purnea.
  - viii) Providing 100 K.V.A Substation equipment for central Excise & custom department at Purnea.
  - ix) C/O J.N.V Shekhpura Providing EI and fans in School building, staff quaters & Service connections e.t.c.
- I several times verbally asked AE (E) and EE (E) to issue an office order to hand over the charges of construction works to any JE (E), as they had already relieved me on
- (Contd)

Central Administrative Tribunal

गुवाहाटी न्यायपीठ  
Guwahati Bench



27.9.2001 w.e.f. 24.9.2001 A.N. But, they did not issue any order to date to hand over the above charges to any J.E (E). Hence I continued working though my payment by EE(E)/PCED/Patna w.e.f. oct 2001. In March shri P.K. Poul JE(E) refused AE(E) to visit Purnea for measurement of works of office building as there was no any order to him to take over construction work. Then AE(E) took me there and I measured the work which was noted by AE(E), after that AE(E) himself made entry of measurement in M.B. Then On 3/4/2002 I had mostly handed over the charges of construction work to shri P.K. Poul JE(E), as he joined in my place, as the AE(E) started to working in my place. I have only to complete the handingover of works mentioned in Par 2 (II) because checking of inventory is being carried out by C.R.PF authority to accept the inventory of installation.

In the mean time I came to know that Eastern Region B has been bifurcated into two Region "Eastern Region B I" and "North Eastern Region B II" by D.O. vide No. 14.2.9 EC dated 18.9.2001 but I have not received that letter. However, I went ~~Kolkata~~ Kolkata on 12.2.2002 & represent to SE (co-ord) by showing my willingness to remain in eastern region B I. On the same day I came to know in Kolkata that SE (co-ord) had already issued an office order to keep in abeyance all transfer order ~~at~~ already issued but fallen under inter regional category vide his no F.N. 21(7)/SE (co-ord) ER/C.P.W.B/ GEN/Kolkata/2001/714 dt. 28.9.2001. I also collected the same from Reliable sources.

In the light of above facts, the relieving order issued by AE(E)/EE(E) mentioned above w.e.f 24.9.2001 A.I was not proper. It was only to put myself and my fam  
(contd)

in hardships due to non receipt of salary. Because I am only bread earner for my family. Therefore, the action of EE(E) is against my human rights as well as humanity.

Therefore it is humbly requested to kindly place me on posting in Patna or at Muzzpherpur as both places have existing vacancy. It is also requested that please treat me on duty till completion of checking of fittings inventory by C.R.P.F as well as completion of handing over

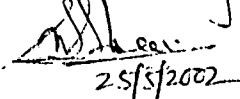
Enclosure - Photo copy of office order to hand over the main charges only to both the JEEC issued by AE(E) on 14/9/2001

i) Photo copy of Relieving order issued by AE(E) on 24/9/2001

ii) Photo copy of office order issued on 29/9/2001 by SE (Co-ord) to keep on abeyance all transfer order all ready issued but fallen in to enter regional category.

iii) Photo copy of representation submitted by myself on 12/2/2002 in office of SE (Co-ord) showing my willingness to remain in Eastern Region (B1).

Yours Faithfully

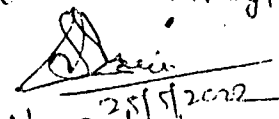
  
25/5/2002

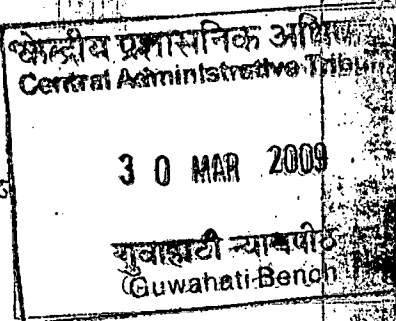
(S. N. Saha)

Junior Engineer (Electrical)

Mokama Central Electrical Subdivision  
C.P.W.D. Mokama

Copy to: - i) The Chief Engineer (Elect.) C.P.W.D. M.S.O. building, Nizam Palace, Calcutta for information & favourable action please.  
ii) The Chief Engineer (EZ II) C.P.W.D. Panth Bawan, Patna for information & necessary action please.  
iii) The SE (Co-ord) Eastern Region B1 under EZ. M.S.O. building, Nizam Palace for information with reference to my representation submitted in your good self on 12-2-2002 in favour of further posting in Eastern Region (B1) is still awaited

  
25/5/2002



The Chief Engineer (Elect.)  
C.P.W.D., M.S.O. Building,  
Eastern Zone, Nizam Palace,  
Kolkata-700020.

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी बेंच  
Guwahati Bench

Subject:- Request for Posting under Eastern Region (BI) and release of my Salary Since Oct. 2001  
Sir,  
With due respect I beg to lay down the following few lines for your kind perusal and favourable order please:-

- (i) With reference to my representation addressed to SE (Co-ord) on 21.7.2001, 12.2.2002 as well as on 25.5.2002 addressed to SE (E), PCED, Patna copy to your good self and also enclosed to officers showing my willingness to remain continue the service in eastern Region BI.
- (ii) My representation dated 25.5.2002 also proved that the relieving order issued by AE (E), MCFSD on 24.9.2001 which was received by me and by JE (E), PCED, Patna on 27.9.2001 w.e.f. 24.9.2001 A.N. is not proper. It has also accepted by SE (E), PCED, Patna and my refusal issued by him till now.
- (iii) The EE (E), PCED, Patna had granted Rs. 30,100.00 (Rupees Thirty thousand One hundred only) on 25.5.2002 addressed to SE (E), PCED, Patna copy to your good self and also enclosed to officers showing my willingness to remain continue the service in eastern Region BI. Then EE (E), PCED, Patna told me that I will receive Rs. 21,800.00 (Rupees Twenty thousand Eight hundred only) in lieu of Rs. 30,100.00 (Rupees Thirty thousand One hundred only) because Imphal now belong to North regional transfer. The same can only be implemented after approval of D.G. (W) by getting the willingness of JE (E)s also vacant in his division and I also represented for posting in "PATNA" against D. Mishra, JE (E) who had got transferred from Patna to Kolkata. Accordingly I received Rs. 21,800.00 only in lieu of Rs. 30,100.00.
- (iv) The EE (E)/AE (E) also told me to compete all the construction works which hold with me till receive of revised posting order. It will help during verification of service period, at the time of release of salary though SE (Co-ord) has already issued an order to keep in abeyance all inter regional transfer but Govt. will not give salary without work. Accordingly I am working till now and carried all verbal instruction which are being issued to me, regarding govt. Works by AE (E)/EE (E). They are taking work from me but without my signature and telling "your handwriting will become proof of your working."
- (v) Though I am working till now but not getting my salary since Oct., 2001. Due to non receipt of salary my family members are also suffering badly. The educational life of my children stopped mainly due to shortage of money. I became unable to bear thier expenditure like hiring of accommodation and other educational expenditure like hiring of accommodation and other expenditure for want of salary. Therefore it is humbly requested to your good self to please look into the matter and kindly issue a favourable posting order to me either in Patna or at Muzaffarpur, as both places have existing vacancy. It is also requested that please treat me on duty till further posting in Eastern Region BI. Your kind and favourable action will help my children to re-admit in their school/collage to reform their educational career as well as it also help me in carrying the govt. works conveniently.

For your early action I shall be oblige to your honor please.

Your faithfully

Sd/- S.N. Sahai

(S.N. Sahai)

Junior Engineer (Elect.)

Mokamaghat Central Electrical Sub-Divn.,  
CPWD, GC, CRPF, Campus, Mokamaghat.

Attested  
Date

Copy to:-

- (i) The Chief Engineer (EZ. II), CPWD, Patna for information and favorable action please with refer to my representation dated 05.5.2002.
- (ii) The Superintending Engineer (Co-ord), Eastern Region II under Eastern Zone in MSO building on 17<sup>th</sup> floor, Nizam Palace Kolkata for information and favorable action to issue an order of posting with reference to my representation dated 21.7.2001, 25.5.2002 & 12.2.2002.
- (iii) The Superintending Engineer (E), PCRC, CPWD, 7<sup>th</sup> Floor, Indra Bhawan, Patna for information and necessary action with reference to my earlier representation.

Dy. no. 1339

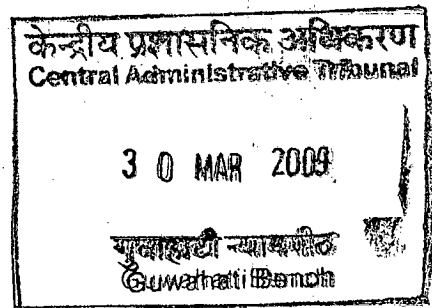
Date 1/7/02

Office of CE(E) East-  
CPWD Kolkata

Attested  
Signature  
26/7/06

Head of the Division  
Patna Central Division  
Patna

SA/-  
(S.N. Sahai)  
Junior Engineer (Elect.)



Annexure - 9  
(Series)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
P. N. Sahai

30 MAR 2009

गुवागट्टी बेंच  
Gawagatti Bench

Yours faithfully

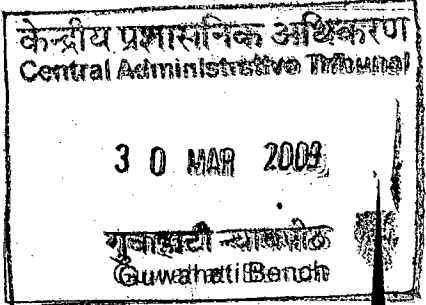
S.N.Sahai JE (E)

M.C.E.S.D. Mokamaghat

C.P.W.D. Mkamaghat

Copy to the Superintending Engineer (Elect) P. C.E.C. Patna for  
information and recommendation please.

S.N.Sahai JE (E)



There was no  
reply

(Circular - P. 1000-2)

To  
The Superintending Engineer (Co-ord).  
Co-ordination circle Kolkata.  
234/4 Acharya J.C. Bose Road.  
17th Floor, M.S.O. Building  
Kolkata - 700020 - (W.B.)

Annexure - 9  
Serial

Subject - Request to issue an order of posting of S.N. Saha JE (CE) within Eastern Region (Region B-I)

Ref - my representation dated 21-7-01, 12-2-02, 25-5-02, 30 MAR 2003, 20-6-02, 31-7-02, 29-11-02, 27-02-03, 12-5-03, 22-7-03 and 22-11-03.

গুৱাহাটী ন্যায়ালয়  
Guwahati Bench

Sim,

With due respect, in continuation of above reference once again, I lay down the following four lines for your consideration and favourable order please.

- 1 - My transfer order was issued vide F.N. 21(1) SE (C) / JE (C) / ER / C.P.W.D. / Co / 2001/490 dated 12-7-2001. But no substitute joined upto 1st week of Sept 2001 and the last date of admission in colleges was 31-7-2001 for 1st and 12-9-2001 for B.A. hence accordingly I admitted my children in Patna in concern classes.
- 2 - After joining substitute AE (C) M.C.E.S.D. discussed with E.C.C. Patna and issued an office order No. 9(1) / M.C.E.S.D. / 01/694 dt 14-9-2001 to hand over only maintenance charge to Shri P.K. Paul JE (C) as well as some maintenance charge to Shri T.K. Das JE (C). No any instruction to hand over the original works to any JE (C) and verbally he instructed me to complete the original work, further order will issue as there is vacant post of JE (C) under Division and circle.
- 3 - The bi-furcation of Region 'B' into two parts Eastern Region B.I and North Eastern Region (Region B.II) has been issued and implemented vide office memo No 14102/91 EC-IV (C) dated 18-9-2001 By D.G. (W) C.P.W.D. New Delhi.
- 4 - The AE (C), M.C.E.S.D. Mokamghat, issued a relieving order on 24-9-2001 A.M. with direction to report the JE (C) P.C.E.T. Patna after handing over the maintenance charge for which all ready an office order was issued on 14-9-2001. Because w.e.f. 15-9-2001 to 23-9-2001 Shri P.K. Paul JE (C) was on leave. But still there was no any instruction about the charges of original

Remd  
15/9/04  
Attested  
Date  
Adv

(Contd. - Page - 2)

5- Your good chain had issued an office order vide your No 21(4) SECE(C)/ER/C.P.W.L./GEN/Kolkata/2001/714 dt 28.9.2001

"It is hereby ordered that all transfer posting of group 'C' and group 'D' including Junior Engineers from Eastern Region (Region B-I) to North Eastern Region (Region B-II) and vice versa already issued from this office but not implemented So far shall be kept in abeyance with immediate effect till further order."

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

30 MAR 2003

गुवाहाटी न्यायपीठ  
Guwahati Bench

6- Knowing this fact The EECE) P.C.E.D. Patna has relieved me on 30.9.2001 by making back-dating 27.9.2001. W.e.f. 2.1.9.2001 without sanction transfer T.A/D.A. and without clearing my grievances. Such as area increment w.e.f. 1982 as well as area of AE(C) Scale w.e.f. 1991 to August 2001 and (Tour) travelling Allowance w.e.f. 1999 to 2001.

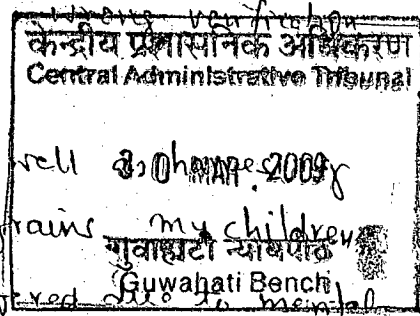
I have already represented to EECE) P.C.E.D. to deposit my area encroachment and pay amulments to my G.P.C. AIC and give me details yearwise so that I can and submit assessment of income tax year wise but he did not do so till the date.

7- Due to bifurcation came in existence w.e.f. 18.9.2001 and your order dated 28.9.2001. No any JE(C) move for North Eastern Region from Eastern Region without his own will. Only new appointment has been sent there to fill the vacancy as well as relieve after 28.9.2001.

I am sorry to say I have been submitted my willingness to remain in Eastern Region (Region B-I) and given many reminders to issue an posting order for me but no any order for same has been issued from your good chain.

8- There was no any order regarding original works and transfer order kept in ~~abeyance~~ abeyance, so I have worked in MCESD and it can be proved from records. But on 31.1.03 The department has totally stopped my working, because C.R. cell asked my C.R. vide his No 171/3/2003/JE/ER cell New Delhi dt 28.10.2003. which was received by EECE), The same has been received by me on 12/11/2003 through AECE) MCESD, ex Division office. Because they not sent my C.R. for the period. 2001-02, and 2002-03 upto 11/11/2003 either to your good office or to C.R. cell. Then I approach to the then AECE) as well as EECE) P.C.E.D. but no result. After that I approached circle office for same and been that the period for 2001-02 has been tempered. The actual period was 01.1.2001 to 31.3.2002. which have been tempered as 01.4.2001 to 30.9.2001 and also the EECE) P.C.E.D. verified the period 01.4.2001 to 30.9.2001 on 15.4.2002 and (outlet R 3)

and the than SECE) PCEC. Patna Counter signed on 23/5,  
for same report. These all shows <sup>that</sup> some officials knowingly  
harressed me, taking work not giving salary  
of period (working period)




- 9 - Due to back dating done by officials as well as <sup>Champer 2009</sup> tendency my entire family suffered for grains. my children suffers from ~~from~~ proper education, I suffered <sup>Guwahati Bench</sup> ~~also~~ torture and economically which affects on my health. I also suffered from promotional career. In ~~the~~ I came to know that 23 June 2000 promoted from 15 (15) to A.C.E. and my promotion is withheld due to officials ~~by~~ wrong information of working period.

Therefore once again it is requested to give me posting within the Region B-I and clear all the pending grievances. If my legal demands will not been clear within a week of time then I compell to take shelter from court of law.

For your kind and sympathetic consideration and favourable orders I shall be highly grateful to your honour please.

Your's faithfully

  
15/3/2004

(S.N. Saha)

Junior Engineer (Elect)

Patna central Electrical Division  
e.p.w.D. Patna

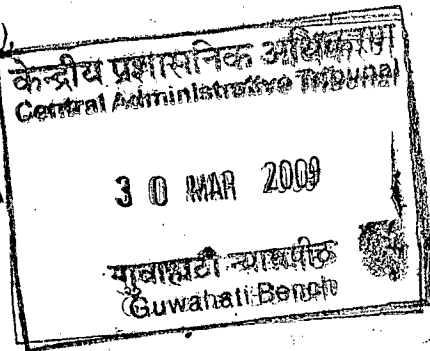
My Native Place address

S.N. Saha  
H.P. Shrivastava  
At P.O. Naya Bhojpur  
Dist. Buxar  
BIHAR

No.9/37/97-ADM/Vol-VI  
GOVERNMENT OF INDIA  
OFFICE OF THE C.E. (E) EZ  
C.P.W.D. KOLKATA - 20

DATED THE 2ND JULY, 2002.

To,  
The Suptdg. Engr. (E)  
P.C.E.C., C.P.W.D.,  
Rimjhim Building,  
Khajpura, Razabazar,  
Bailey Road, PATNA  
Pin :- 800014.



S.E. P.C.E.C. Bhub  
Dmny no. 233C  
Date 5/8/02

Sub:- Request for posting under Eastern Region (BI) and release of my salary since Oct. '01.

\*\*\*\*\*

Shri S.N. Sahai, J.E. (E), M.C.E.S.D., CPWD, Mokmaghat, has sent a letter dated 20.6.2002 to our office with a copy to you. However, a copy of the same is enclosed for ready reference. C.E. (E) E.Z. desired a Para-wise reply immediately. Kindly expedite your report.

Encl:- As above.

(T.K. Das)  
DEPUTY DIRECTOR (A)  
FOR THE C.E. (E) EZ

C.P.W.D

NO 2(1)/PCC/2002/318

dt. 4.7.02

Copy along with its enclosures is forwarded to Ex Engr (E), P.C.D., Chud, Patna for information and furnish Para-wise reply to Shri S.N. Sahai, J.E. (E) letter so that same may be sent to the C.E. (E) Kolkata.

Please deal it in priority.

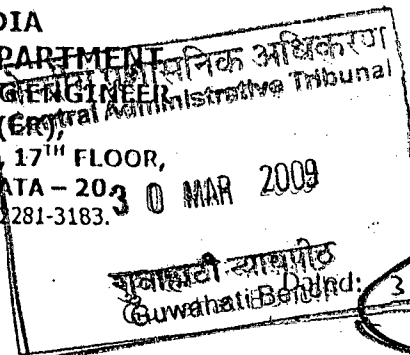
31/ S.P. Selenchal  
11.8.2002

Ex Engr (E) (P.A.)  
Patna Central Elect. Circle  
Patna 200001

Attested  
Dutta  
Adv

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (Central Administrative Tribunal)  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA - 20  
TEL: (033) 2247-7416. FAX NO. (033) 2281-3183.

No. 21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/ 3 27



**OFFICE ORDER**

The Chief Engineer (ELECT.) ER, C.P.W.D., Kolkata is pleased to Decide the transfer/posting of the following Junior Engineer (Elect.) in public interest with immediate effect.

SL. NO.	NAME OF JE(E), Shri/Smt.	FROM	TO	VICE
1.	S.N. SAHAI	PCED, PATNA.	GUWAHATI CENTRAL ELECT. DIVISION-II, GUWAHATI.	SHRI DEBASHISH DAS ALREADY TRANSFERRED.

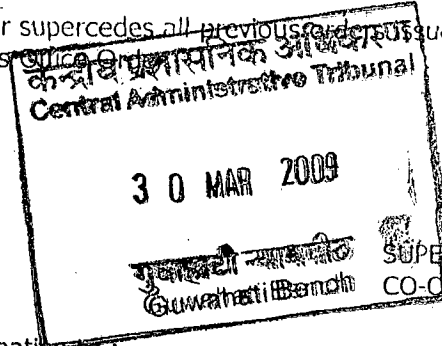
**Note: -**

1. In terms of DGW, CPWD; New Delhi's O.M. No: A-22015/72/2000-EC-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers under/Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. ~~The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of Works for taking action against the defaulting officer.~~
2. Division/Circle/Zone, the controlling Officer must accept the joining report and in cases of non-availability of particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Civil/Electrical).
3. Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter later with this Office. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to join their new places of posting and relief of such officials should not be held up for any reason whatsoever.

Attested  
Duty  
Adv

4. In case the Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office. Thereafter their transfer orders will be cancelled/modified or further instruction issued by this Office or the Director General of Works., CPWD, New Delhi.
5. The Junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

This Order supercedes all previous orders issued in respect of the Junior Engineer mentioned in this office Order.



(B.K. DAS)  
SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

Copy forwarded for information to :

1. The Director General of Works, CPWD. EC-VI Section, Nirman Bhawan, New Delhi-110011.
2. The Additional Director General (ER), CPWD, Kolkata - 20.
3. The Chief Engineer, (Elect.), C.P.W.D. of Eastern Zone-I & IBB Zone.
4. The Concerned Superintending Engineer (Elect.) i/c Superintending Engineer (P&A) (Elect.) of C.P.W.D., Eastern Region.
- ✓ 5. The concerned Executive Engineer (Elect.), C.P.W.D.
6. Person Concerned (through their controlling Officer).
7. The CPWD Junior Engineers' Association, Kolkata.

*B. Das*  
SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

IMMEDIATE

SPEED POST

GOVERNMENT OF INDIA  
OFFICE OF THE C.E. (E) EZ  
C.P.W.D KOLKATA-20

No.9/3/93-ADM/Vol.-II

DATED THE 20<sup>TH</sup> SEPT. 04.

**Subject:** - Representation of shri S.N.Sahai, J.E. (E) for release of salary  
1-10-01 to 30-6-04.

**Ref:** - S.E., GCEC letter No. 8 (4)/GCEC/E-1/2004/1283, dated 27-08-04.

\*\*\*\*\*

Suptd. Engr. (E), G.C.E.C. has simply forwarded the xx representation of Shri S.N.Sahai, J.E. (E) without comments. Therefore, (i) why the JE was not relieved in time and (ii) why he was not paid salary from 01-10-01 to 30-06-04 is not clear.

Besides, all these aspects are to be decided by the Suptg. Engr.

It has, therefore, been desired by the CE (E) EZ that SE, GCEC is to take up the matter suitably with S.E.(E), P.C.E.C. and E.E.(E), PCED on the points mentioned above and on the basis of reply received from them, further action is to be taken by the S.E.,GCEC.

Action may please be taken accordingly.

(T. K. DAS)

DEPUTY DIRECTOR (A)

FOR THE C.E. (E) EZ

To,

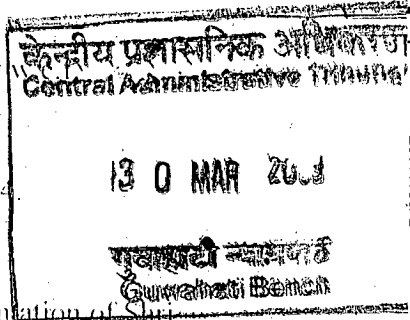
The Suptdg. Engr. (E)

G.C.E.C., CPWD,

Bamuni Maidan,

Guwahati- 781021

Attested  
M. Dutta  
Adv



Speed Post

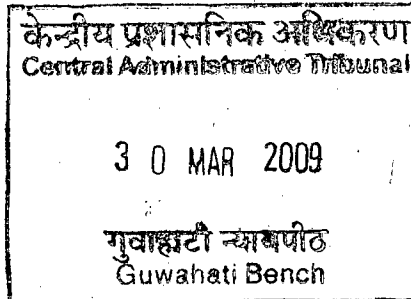
NO. 8(4)/GCEC/E-I/2004/ 11/82  
GOVERNMENT OF INDIA  
Central Public Works Department  
GUWAHATI CENTRAL ELECTRICAL CIRCLE  
Nirman Bhawan, P.O. - Bamunilaladan, Guwahati - 781 021.

Phone No. : 2550564, 2552395.

To,

Date : 11/10/2004

The Superintending Engineer(E)  
Patna Central Electrical Circle  
C.P.W.D., Indira Bhawan,  
9<sup>th</sup> floor, Boring,  
Cannel Road, Patna-800 001



Sub: Representation of Shri S.N. Sahai, JE(E) for release of salary  
w.e.f. 01/10/2001 to 30/06/2004.

As per office order No.21(101)/SE(Co-ordn)/ER/CPWD/CAL/2004/327  
dt.31/05/2004 of SE - Coordination Circle(ER), C.P.W.D., Kolkata -20 as received from  
SE(P&A) E office of the Chief Engineer(E)ER C.P.W.D., Kolkata vide letter No.9/37/97-  
Admn. Vol.II dt. 01/07/2004 (copy attached) Shri S.N. Sahai, JE(E) has joined in the office  
of the Executive Engineer(Elect.), Guwahati Elect. Division-II, C.P.W.D., Guwahati-15 on  
09/07/2004.

Shri S.N. Sahai, JE(E) has submitted one self explanatory representation  
dated 27/07/2004 addressed to Chief Engineer(E)EZ, C.P.W.D., Kolkata-20 in connection to  
non payment of salary w.e.f. 01/10/2001 to 30/06/2004, while he was attached to Executive  
Engineer(E), Patna Central Elect. Division, C.P.W.D., Patna.

The above mentioned representation of Shri Sahai, JE(E) has been  
forwarded to Chief Engineer(E)EZ, C.P.W.D., Kolkata vide this office letter  
No.8(4)/GCEC/E-I/2004/1283 dt. 27/08/2004.

Now the Chief Engineer (E) EZ, CPWD, Kolkata - 20 vide his letter No.  
9/3/93-ADML/Vol-II dated 20-09-2004 (Copy attached) has directed this office to take up  
the matter to your office and Executive Engineer (Elect.), Patna Central Electrical  
Division on the following points :

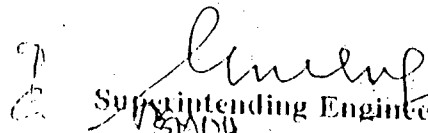
1. Why the JE was not relieved in time and
2. Why he was not paid salary from 01-10-01 to 30-06-04 is not clear.

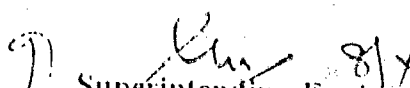
In view of above you are requested to clarify the matter and direct the  
Executive Engineer (E), Patna Central Electrical Division to disburse the salary to Shri  
Sahai, JE (E) at the earliest under intimation to this office please.

Encl: As stated above.

Copy to:-

1. The Chief Engineer (E)EZ, CPWD, Kolkata w.r.t. his letter No. 9/3/93-ADML/Vol-II  
dated 20-09-04
2. The Executive Engineer (E), Patna Central Electrical Division, CPWD, Punai Chak,  
Near RJC High School, Patna - 800 023.
3. The Executive Engineer (E), Guwahati Electrical Division No.II, CPWD, Borjhar,  
Guwahati - 15.

  
Superintending Engineer (Elect.)

  
Superintending Engineer (Elect.)

Attested  
10/10/04  
[Signature]

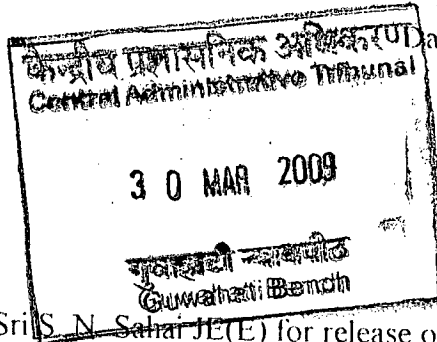
No.8(4)/GCEC/EI/2004/1796  
GOVERNMENT OF INDIA

**Central Public Works Department**  
**GUWAHATI CENTRAL ELECTRICAL CIRCLE**

Nirman Bhawan, P.O. - Bamunimaidan Guwahati - 781 021.

Email : segcec@sify.com Phone : 2550564, 2552395.

Fax : 2654390.



To,  
Sri S.N. Sahai, JE (E)  
O/O Executive Engineer (E)  
GED-II, CPWD, Guwahati-15

Sub:- Representation of Sri S. N. Sahai JE(E) for release of Salary w.e.f.  
1-10-2001 to 30-6-2004.

A copy of letter No. 21(1)/PCED/2004/2188 dt. 11-10-2004 received from  
EE(E)/PCED, CPWD Patna addressed to this office & copy to CE(E)EZ, CPWD Kolkata  
& others for the above mentioned subject is enclosed herewith for information &  
necessary action.

Encls:- One

*Ud Brakass*  
Executive Engineer(E)P&A.

Copy along with a Copy of letter No. 21(1)/PCED 2004/2188 dt. 11-10-2004 of  
EE(E), PCED, CPWD, Patna to the EE(E) GED-II, CPWD Guwahati-15.

Encls. As stated above

/  
Executive Engineer(E)P&A.

*Accepted  
Bhutta  
Adm*

Government of India  
Central Public Works Department

No:- 21(1)/PCED/2004/2188

Dated 9/11/2004

4/12/04

To  
The Superintending Engineer (E),  
Gughati Central Elect. Circle,  
Nirman Bhawan, P.O.-Banunimaidan,  
Gughati - 781021.

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

Sub:- Representation of Sri S.N.Sahai, J.E.(E), for release of  
salary w.e.from 1.10.2001 to 30.6.2004.

13 0 MAR 2005

गुवाहाटी नगर  
Guwahati Nagar

Ref:- Your letter No. 8(4)/GCEC/E-I/2004/1482, dtd. 11.10.2004.

\*\*\*\*\*

Kindly refer your letter No. cited above addressed to SE(E),  
PCEC, CPWD; Patna and copy endorsed to this office and others on the  
subject.

As desired question One - why the JE has not relieved in time  
it is intimated that Sri S.N.Sahai, J.E.(E), has been relieved from  
this Division w.e.from 24.09.2001 vide T.O. No. 21(1)/PCED/2001/  
12145-51, dated 27.09.2001.

In reply of question 2 (two) - why he has not paid salary  
from 1.10.2001 to 30.06.2004? It is intimated that when Sri S.N.Sahai,  
J.E.(E) has been relieved from this Division on 24-09-2001, question  
of payment of salary from this Division for that period does not arise.

Executive Engineer (E),  
Patna Central Elect. Division,  
C.P.W.D., Patna.

Copy for information & necessary action to :-

- (1) The Chief Engineer(E), EZ, Kolkata with reference to SE(E),  
GCEC, CPWD; Gughati letter No. cited above.
- (2) The Superintending Engineer (E), Patna Central Elect. Circle,  
CPWD; Patna with reference to his No. 8(3)/PCEC/2004/1424,  
dated 19.10.2004 and even No. 598, dated 2.12.2004.

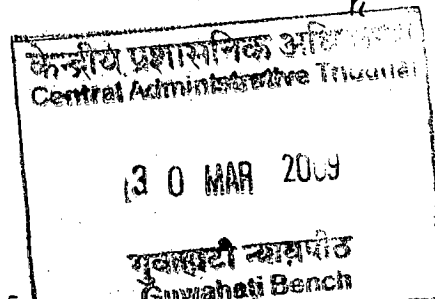
EXECUTIVE ENGINEER (E).

Attended  
With  
Adv

Annexure-16

To

The Executive Engineer (E) P&A  
Guwahati Central Elect. Circle,  
C.P.W.D., Nirman Bhawan,  
Bamunimaidam, Guwahati-21.



( THROUGH PROPER CHANNEL )

- Sub:- Representation of Shri S.N. Sahai, JE (E) for release of Salary w.e.f. 01-10-2001 to 30-09-2004.
- Ref:- Your letter dated 22-12-2004 along with copy of reply of EE (E) PCED, CPWD, Patna vide his No. 21(1)/PCED/2004/2188 dt. 04/12/04 in respect of SE (E)/GCEC letter No. 8(4)/GCEC/E-I/2004/1482 dt. 11/10/2004 dt. 11/10/2004 received by me on 19/2/2005.

Sir,

With due respect I beg to submit following few lines for your kind perusal and justice.

1. The Executive Engineer (E), PCED, Patna replied for question No. 1 that Shri S.N. Sahai, JE (E) has been relieved on 24/09/2004 (A.N.) vide P.O. No. 21(1)/PCED/3145-51 dt. 27/09/2001 which shows that he could not go through the records in details.
  - a) It is a fact that on 30/09/2001 said relieve order has been signed by the then Executive Engineer (Elect) by making signature in 27/09/2004 and overwriting in original despatch date. But, keeping in mind, bifurcation of Region 'B' into two parts namely Eastern Region (B-I) and North Eastern Region (B-II) ordered by D.G. (W) New Delhi vide office memo No. 14(02)/91 EC-IV dt. 18/09/2001 which has been implemented, accordingly the then EE (Co. ord) also ordered vide his letter No. 21(7)/SE (E) (C)/ER/CPWD/GEN/Kolkata/2001/714 dt. 28/9/2001 to keep in advance all the transfer order which has been already issued from his office but fall as inter regional transfer, the then AE (E), MCESE, Kakamaghat and the then ~~EE~~ EE (E), PCED, Patna put me on work. They told me to work and the said period will be regularised after receiving new posting order.
  - b) Accordingly I have attended to all the works given/assigned to me by my superiors after 24/09/2001. They have accepted all the measurements made by me O.T.E.O. booked by me, PAO memo verified by me after 24/09/2001 and made payments to contractors as well as suppliers but, when I asked my salary after 30-09-2004 they told me to wait till new posting order is received. So, I brought to the notice of higher authorities and also request them to set right the thing.
  - c) After 24.9.2004 the handing over taking over of inventory of M.I. and Fans from department to Client. I have signed as handed over and client have signed as taken over in the inventory after verification of installation.

( Contd. on page - 2 )

*Submitted  
Adm*

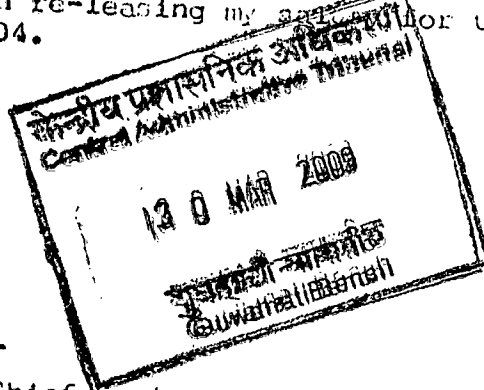
- d. various preliminary details along with action plan detail estimate to 88 for T/S as well as several correspondence letter has been sent by J.E. (E), PCECL, Makamaghat to client department in my handwriting.

2.

In reply of question No.2 the J.E. (E), PCECL, Patna said that when Shri S.N.Sahai, Jr. (E) has been relieved from this division for that period does not arise.

- a) On this point I would like to ask, if Division relieved me on 24.9.2004 then how they made payment to contractors supplier on the basis of measurement recorded by me after 24.9.2004. How they accepted booking of C.T.E.C. verification of PAO Memo, these all are financial matter I did not understand what is hesitation of division to accept the facts and re-releasing my salary for that period while they have taken work from me.
- b) In light of above fact the transfer order issued by Suptg. Engineer (Co-ord) vide order No.21(104)/GE (Co-ord) LR/CPWD/Cal/2004/327 dt. 31/5/2004 from PCECL, Patna to Guwahati Central Elect. Division No-II. Accordingly I approached to the J.E. (E)/PCECL, Patna to re-relieve me because after 24.9.2004 I performed work that over my superior allotted to me, but when they not given importance then I represented in writing on 21.6.2004 and wait upto 30.6.2004 and assumed on 01.7.2004 as myself relieved and joined in CED-II on 09.7.2004.

In light of above facts I hope that the J.E. (E), PCECL, Patna will understand the facts and there is no any hesitation to him in re-releasing my salary for the period 01.10.2001 to 30.06.2004.



Yours faithfully,

( S.N.Sahai )  
Junior Engineer (L)  
O/o. Executive Engineer (E)  
CED-II, CPWD, Guwahati-15.

Copy to:-

1. The Chief Engineer (E), EZ, CPWD, Kolkata with reference to J.E. (E), PCECL, Patna vide his letter No.21(1)/PCECL/2004/2188 dt. 04/12/04
2. The Suptg. Engineer (E), Patna Central Elect. Circle, Patna with reference to J.E. (E), PCECL, Patna letter No.21(1)/PCECL/2004/2188 dt. 4/12/2004 for information.

S.N.Sahai, Jr. (L)

Date: 27/07/2006

30 MAR 2009

**गुवाहाटी न्यायपीठ**  
**Guwahati Bench**

Ref: - No. 9/37/97-Admin. Vol. VIII-A dated: 25<sup>th</sup> July 2006.

The Executive Engineer (E), PCED, Patna for information with reference to his letter referred above

Superintending Engineer

-65-

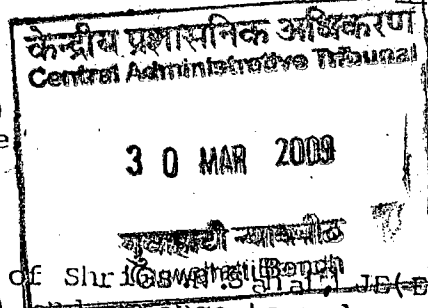
Government of India  
Central Public Works Department

ANNEXURE-18

1- 21(1)/PCED/2006/101/1

Dated 27/07/2006.

TO  
The Superintending Engineer (E)  
Patna Central Electrical Circle  
✓ C.P.W.D., PATNA.



Subj:- Request for posting of Shri S.N. Sahay, JE(E) under Eastern Region (B-I) and arrange to release his salary since October, 2001.

Ref:- Your endorsement no. 8(3)/PCEC/2006/948, dt. 25.7.06.

Please refer your endorsed letter under reference on the subject. Please find enclosed herewith the following letters for taking further needful action from your end please.

- (1) Letter no. 21(1)/PCED/2002/362, dated 17.9.2002
- (2) Letter no. 9(2)/MCESD/2002/891, dated 11.9.2002
- (3) Letter no. 9(1)/MCESD/2002/856, dated 23.7.2002.
- (4) Letter of Shri S.N. Sahay, JE(E), dated 20.6.2002.
- (5) Letter No. 21(1)/प्र.क.वि.नं. /2002/346, दिनांक, 06.7.2002
- (6) Letter No. 21(1)/प्र.क.वि.नं./2002/184, दिनांक, 05.6.2002
- (7) — do — 9/37/97-ADM/Vol-VI dated 20.7.2002

The handing/taking over notes of Shri S.N. Sahay, JE(E) has not been received by this office. Accordingly the AE(E), Mokamaghat Central Elect. Sub-Division, CPWD, Mokamaghat is directed to submit the handing/taking over notes of Shri Sahay immediately. As and when receive the same, same will be sent to you.

Encl:- <sup>Seven(7)</sup> Six(6) nos. in two Sets.

*[Signature]*  
Executive Engineer (E)  
Patna Central Elect. Division,  
✓ C.P.W.D., Patna.

Copy to the:-

- (1) Assistant Engineer (E), Mokana Central Elect. Sub-Division, CPWD, Mokamaghat. He is directed to submit the OTEO Register from 2001 to 2004 and Handing over notes of Shri Sahay to this office immediately.

EXECUTIVE ENGINEER (E).

*Accepted  
Mokana  
Adv*

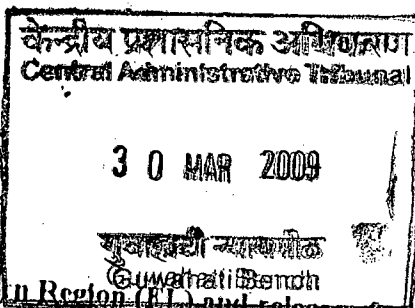


GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 21(1)/PCED/2002/362

To,

The Superintending Engineer (E),  
Patna Central Electrical Circle,  
CPWD, Indra Bhawan, 7<sup>th</sup> Floor  
Patna-800 001.



17/09/2002

Sub: Request for posting under Eastern Region (E) and release of my salary since oct. 2001.

Ref: (1) CE(E) ER Letter no. 9/37/97-ADM/Vol-VI dated 02.07.2002  
(2) Your letter no. 21(1)/PCEC/2002/918 dated 04.09.2002 & your even file no. 184 dated 05.06.2002

In the light of above referred letters, it is intimated that AE (E) Mokamaghat was asked to clarify the facts vide this office even file no. 346(11) dated 06.07.2002. In his reply, vide his letter no. 9(1)/MCESD/2002/856 dated 23.07.2002 and even file no. 891 dated 11.09.2002, AE (E) Mokamaghat has clarified:-

1. Sri P.K. Pal JE (E) joined in place of S.N. Sahay JE (E) at Mokamaghat. So Sri Sahay had to hand over his entire charge to Sri Pal. Earlier the work of maintenance was being looked after by two JE (E)s, Sri Sahay & Sri T.K. Das. In between, charges of JE (E) were interchanged. But dismantled materials remained with the respective JE (E). Therefore AE (E) ordered for maintenance work only, as Sri Sahay had to hand over the construction work also to Sri Pal as usual.
2. Now there are no charges with Sri Sahay. No work what so ever are being taken by Sri S.N. Sahay, as claimed by him. Never neither verbal nor any written order has been given to Sri Sahay to do any work either by the undersigned or by AE (E) Mokamaghat. So the claim of Sri Sahay is false. There is no truth in such claims.

Encl: Both the letters of AE (E), Mokamaghat.

Copy to:-

1. The AE (E), MCESD, Mokamaghat. w.r.to his letter mentioned above.

Sd/- Awadesh Kumar  
Executive Engineer (E), 17/9/2002  
Patna Cent. Elect. Div.,  
C.P.W.D., Patna.

Sd/- Awadesh Kumar  
Executive Engineer (E), 17/9/2002

Accepted  
Duty  
Adv

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 9(1)/MCESD/2002/856

To,

The Executive Engineer (Elect.),  
Patna Central Electrical Divn.,  
CPWD, Purnachak, Patna.

Sub: Regarding Sh. S.N. Sahay JE (E).

Ref: Your office letter No.21(1)/PCED/2002/346 dated 06.7.2002

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

Dated: 23.7.2002

30 MAR 2009

गुवाहाटी न्यायाधीश  
Guwahati Bench

In this respected I am to say that Sh. P.K. Paul, JE (E) had reported this office on 11.9.2001 and on the same day I had instructed Sh. S.N. Sahay, JE (E) to hand over his all charges to Sh. P.K. Paul. But maintenance work first so that Sh. P.K. Paul can able to control his work and have Chair and Table to set. But Sh. P.K. Paul come to me on 13.9.2001 and pointed out that he will take over the charges of Sh. S.N. Sahay JE (E) only as he has joined on his place, but electrical store, dismantle materials and electrical installations are being handed over to him by Sh. T.K. Das and it so AE (E) should make a order accordingly.

Hence a order was made by this office for maintenance work i/c the charge and Sh. T.K. Das vide this office letter no. 9(1)/MCESD/01/649 dated 14.9.2001, to clear the confusion Shri P.K. Paul JE(E) gone on leave w.e.f. 14.9.2001 to 23.9.2001 hence no handing over/taking over was done by both the JE (H) and on 24.9.2001 to clear the confusion.

Sh. P.K. Paul, JE (E) gone on leave w.e.f. 14.9.2001 to 23.9.2001, hence no handing over/taking over was done by both the JE (E) and on 24.9.2001 Sh. S.N. Sahay, JE (E) was re-leaved by this office with all charges with them.

Now in a short this office is to say that the above order was required to be made to clear the charges between all 3 JE (E) as Sh. T.K. Das was also involve in maintenance work.

Further I am to say that it is obvious that that if a person is transferred he has to handover his all charges to his successor, AE (E) has no authority to allow a JE (E) to keep his some charges with him though he has been re-leaved by them.

Attested  
Head Clerk 26/7/02  
Patna Central Electrical Division  
C. P. W. D., Patna

Attested  
R.K.P. Sinha  
Assistant Engineer (E). 23/7/2002  
Mokamaghat Central Elect. Sub-Div.,  
C.P.W.D., Mokamaghat.

Attested  
With  
Adv

81 10 106 (P)

2

No. A-22015/38/2002-EC: VI/747  
Government of India

गुवाहाटी न्यायपीठ  
Guwahati Bench

Directorate General of Works  
Central Public Works Department

Nirman Bhavan, New Delhi,  
Dated 8 September, 2006.

OFFICE MEMORANDUM

Subject: - Request for posting of Shri S.N. Sahai, Junior Engineer (Elect.) under Eastern Region (B-I) and arrange to release his salary since October 2001.

The undersigned is directed to refer to O.M. No. 9/37/97-Admin.Vol.VIII-A dated 26.7.2006 from Superintending Engineer (Elect.) (P&A), O/o Chief Engineer (Elect.) (EZ), CPWD, Kolkata on the subject cited above.

The matter has been considered in this Directorate and it has been decided that the claim of Shri S.N. Sahai, Junior Engineer (Elect.) that he continued to work beyond the date of relief is false and totally fabricated (27.9.2001 to 9.7.2004), the question of payment of salary for the period does not arise.

Chief Engineer (Elect.) (EZ), CPWD, Kolkata is requested to take necessary action accordingly under intimation to this Directorate.

This has the approval of ADG (S&P).

Luena

(SHYAM LAL MEENA)

Dy. Director of Admn. (SLM)

To

The Chief Engineer (Elect.) (EZ),  
Central Public Works Department,  
234/4, Acharya J.C. Bose Road,  
Nizam Palace,  
KOLKATA-700020.

1805  
 File No. 1805  
 Date 12/9/66  
 J. Edgar Hoover, Director, FBI, Washington  
 O. H. ... Z. ...

On file

2/17/9

1875

Attested  
Wm. T. L.

Out Today  
Speed Post

929 28/7/06

No. 9/37/97-Admn./Vol.VIII-A  
Government of India  
The Chief Engineer(E)EZ  
Central Public works Department  
234/4, A.J.C. Bose Road  
D

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
30 MAR 2009  
गुवाहाटी बेंच  
Guwahati Bench

OFFICE MEMORANDUM

Nizam Palace, Kolkata-20  
Dated the September, 2006

**Subject:** Request for posting of Shri B.N.Sahni, JE(E) under Eastern Region (B-1) and arrange to release his salary since October 2001

In continuation of this office OM of even no dated 29.5.2006 and subsequent reminder dated 30.6.2006 on the subject cited above, please find enclosed herewith a copy of OM No A-22015/38/2002-EC VI/947 dated 8.9.2006 received from DG(W) which is self explanatory. The question of payment of salary for the period (27.9.2001 to 9.7.2004) to Shri S.N Sahai, JE (E) does not arise. However his period of absence from duty etc. may be regularised as per rule.

(Sd/-), CEC, Guwahati is requested to take necessary action accordingly under intimation to this office as well as DGW. Original reports & letters as received from SE(E), PCEC, Patna is also enclosed.

Encl. As above

(T.K.Das)

Deputy Director (Admin)  
For CE (EL) EZ

To,

**Shri S. Mehta, SE(E)**  
**GCEC, CPWD, Guwahati**

Copy to:

**Directorate General Of Works**  
**CPWD, Nirman Bhavan New Delhi**  
(Attention, Shri Shyam Lal Meena, Deputy Director of Admin (SLM))

Sel -

For CE (El.) EZ

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Annexure-23

S71  
11/10/06

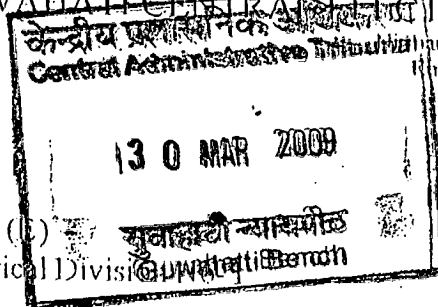
Immediate

No: B(4)/GCEC/E-1/2006 / 382

GOVERNMENT OF INDIA

CENTRAL PUBLIC WORKS DEPARTMENT

GUWAHATI CENTRAL ELECTRICAL CIRCLE



Bhawan, P.O.- Bamunimaidan, Guwahati-781 021  
Email: sgceec@sify.com, Phone: 2550564, 2552395  
Fax: 2654390

To  
The Executive Engineer (E)  
Guwahati Central Electrical Division  
CPWD, Bamunimaidan  
Guwahati- 781 021

Dated, Guwahati the 10/10/2006

**Sub:** Request for posting of Shri S. N. Sahai, JE (E) under Eastern Region (B- I) and arrange to release his salary since October' 2001.

In reference to above subject, it is intimated that the question of payment of salary for the period from 27-9-2001 to 9-7-2004 to Shri S. N. Sahai, JE (E) now AE (E), GCESD, under your division does not arise which has been decided by the DGI (W). In this regard, the copy of CE (E) EZ OM No. 9/ 37/ 97- Admn. / Vol. VIII- A dated 21-9-2006 along with its enclosures are enclosed herewith for your ready reference

In view of above, you are requested to regularize the period of absence from duty etc. of Shri Sahai as per rules, being the competent authority. The action taken on this issue may please be intimated to this office immediately for taking further action from this end

Encl: As stated above  
(Photocopies 12 nos.)

Superintending Engineer (Elect.)

Copy to:

1. The Chief Engineer (E) EZ, CPWD, Nizam Palace, Kolkata- 20 for information with reference to his OM No. 9/ 37/ 97- Admn. / Vol. VIII- A dated. 21- 9- 2006 please

Superintending Engineer (Elect.)

Attested  
Dutta  
Adv

(Typed true copy)

Annexure- 24

GOVERNMENT OF INDIA  
Central Public Works Department  
CUWAHATI ELECTRICAL DIVISION NO. I  
Nirman Bhawan, Bamunimaidan, Guwahati- 781 021.

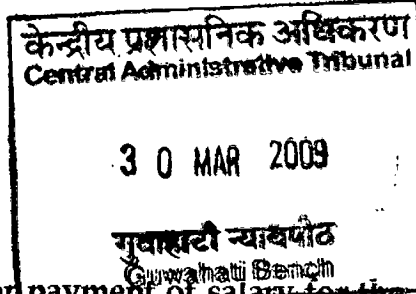
e-mail : ged 1@sify.com  
Phone : 0361-2550315  
Fax: 0361- 26554390

NO. 8 (2)/GED-I/E-I/06-07/2135

Dated, Guwahati the 6/11/2006

To,

Shri S.N. Sahai,  
Assistant Engineer (Elect.)  
GCESD, CPWD  
Guwahati- 21.



Sub: - Regarding your request for payment of salary for the period from 27-09-2001 to 09-07-2004 as JE (Elect.).

With reference to the subject cited above, the Xerox copies of the decision given by office of the DG (W) in this regard vide O.M No. A-22015/38/2002/EC-VI/947 dated 08-09-2006 forwarded vide the CE(E)/EZ/CPWD/Kolkata's O.M No. 9/37/97-Admn/Vol.VIII-A dated 21/9/2006 as received from the SP (E), GCEC vide letter No. 8 (4)/GCEC/E-I/2006/382 dated 10-10-2006 are forwarded herewith for your information. The question of payment of salary for the said period 27-09-2004 does not arise. However, to regularize the period of your absence form duty for the said period under Patna Central Electrical Division, CPWD, Patna, you may apply for leave of absence. Further action will be taken only after receipt of your leave application. ✓

Encl: As stated above.  
(Photocopies 13 nos.)

Sd/-

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

Copy for information to :-

1. The Chief Engineer (E), EZ, CPWD, Nizam Palace, Kolkata- 20.
2. The Superintending Engineer (E), GCEC, CPWD, Guwahati- 21.  
w.r.t. his letter No. 8 (4)/GCEC/E-I/2006/382 dated 10-10-2006  
and even file No. 1508 dated 26-10-2006.

Executive Engineer (Elect.)

Attested  
By  
Adv

-71A-

Annexure - 24

GOVERNMENT OF INDIA

Central Public Works Department

GUWAHATI ELECTRICAL DIVISION No. 1

Nirman Bhawan, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@sify.com

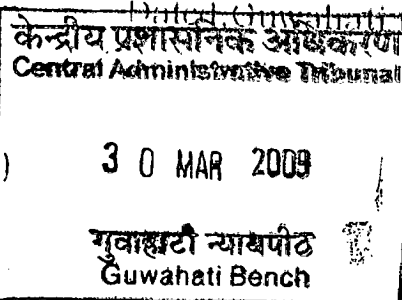
Phone : 0361-2550315

Fax: 0361 - 2654390

No.8(2)/GED-1/E-1/06-07/ 2135

To,

Sbri S.N. Saha,  
Assistant Engineer (Elect.)  
GCESD, CPWD  
Guwahati - 21.



Subj:

Regarding your request for payment of salary for the period from 27-09-2001 to 09-07-2004 as JE (Elect.).

With reference to the subject cited above, the Xerox copies of the decision given by office of the DG(W) in this regard vide O.M No. A-22015/38/2002/EC-VI/947 dated 08-09-2006 forwarded vide the CE(E)/EZ/CPWD/Kolkata's O.M No. 9/37/97-Admn./Vol.VIII-A dated 21/9/2006 as received from the SE (E), GCEC vide letter No. 8(1)/GCEC/16.1/2006/382 dated 10-10-2006 are forwarded herewith for your information. The question of payment of salary for the said period 27-09-2001 to 09-07-2004 does not arise. However, to regularize the period of your absence from duty for the said period under Patna Central Electrical Division, CPWD, Patna, you may apply for leave of absence. Further action will be taken only after receipt of your leave application.

**Encl.:** As stated above.  
(Photocopies 13 nos.)

Executive Engineer (Elect.)  
Guwahati Electrical Division No. 1  
C.P.W.D., Guwahati - 781 021.

**Copy for information to :**

1. The Chief Engineer (E), EZ, CPWD, Nizam Palace, Kolkata - 20.
2. The Superintending Engineer (E), GCEC, CPWD, Guwahat - 21 w.r.t. his letter No. 8(1)/GCEC/E-1/2006/382 dated 10-10-2006 and even file No. 1508 dated 26-10-2006.

Executive Engineer (Elect.)

Affected  
Dutta  
for



GOVT. OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
GUWAHATI CENTRAL ELECTRICAL SUB-DIVISION  
NIRMAN BHAWAN, BAMUNIMAIDAN, GUWAHATI - 781 021.

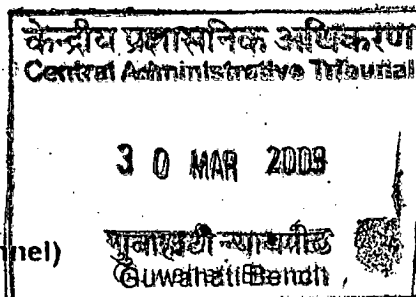
- 72 -

Annexure - 25 102

No.

To  
The Chief Engineer (Elect.)  
C.P.W.D. M.S.O. Building  
Eastern Zone Nizam Palace  
Kolkata - 700020.

Dated:



(Through proper channel)

Sub:

Request for payment of salary for period 01/10/2001 to 09/07/04.

Ref:

Letter no. 8(2)/GED-I/E-I/06-07/2135 dt. 06/11/2006 with ref to O.M. No. 4-22015/38/2002/EC - IV /947 dt. 08/09/2006 & CE (E) /EZ CPWD Kolkata O.M. No. 8/37/07 Adm. / Vol. - VIII A dt. 21/09/06.

Sir,

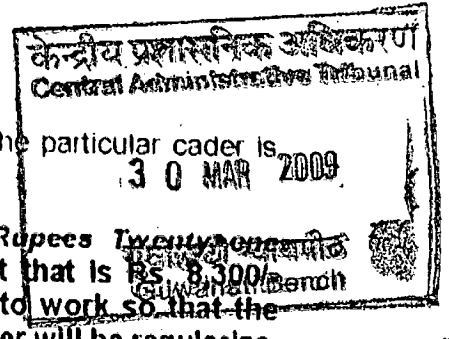
With reference to above cited letters on the subject, I beg to lay down the following few lines for your kind perusal and favourable order.

- (a) The question of payment of salary for period (01/10/2001 to 09/07/2004) to S.N. Sahai JE (E) does not arise is not acceptable. Because, after implementation of O.M. 14/21/91 - EC - IV (C) dt. 18/09/2001. AE (E) / MCESD and EE (E) / PCED, Patna have violated the above order and intentionally relieved me because my posting falls under category of Inter Regional transfer. Moreover, SE (Co-ord.) CPWD, Eastern Region Nizam palace, Kolkata-700020 vide his file no. 21(7)/SE(C)/ER/CPWD/GEN, Kolkata dt. 28/09/2001 also ordered "All the transfer posting order group 'C' & 'D' staff including Junior Engineer from Eastern Region (B-I) to North Eastern Region (Region B - II) & vice versa already issued by this office but not implemented. So far, is kept in abeyance with immediate effect till further order." All of the controlling officers are here by request to send details of unimplemented transfer order for immediate necessary action at this end.

Then EE (E)/PCED, Patna issued a relieving order w.r. to S.N. Sahai JE(E) by making back-dated signature and tempering the dispatch date in original dispatch date, to harass the educational carrier of my children, and to torture mentally, financially to me and my family nothing else.

- (b) The proof of back-dated signature relieving order is also present in his action. If he relieved S. N. Sahai, JE (E) on 27/09/2001 then how he sanctioned my transfer TA, DA and transfer grant on 01/10/2001 vide his no. 30(I)/PCED/2001-2002 dt 01/10/2001 i.e Rs. 30,100/- only. Which was not paid to me at that time as my transfer were kept in abeyance by SE (Co-ordn.) But when I had not received my salary upto Jan'2002. Then I went to EE (E)/ PCED, Patna in 3<sup>rd</sup> week of Feb'2002 and told him neither you paid me transfer advance to move nor you paying my salary. Then he told me "you will be regularize here, wall" and shown me a letter 14/21/91 - EC - IV (C) dt. 07/02/2002 of Director of Administration, CPWD, New Delhi, where it was mentioned. "Inter regional transfer is done only by D.G. (W) on the basis of option of candidate only. Nobody can be forced to be

*Heated  
With  
Bdr*



transferred from one Region to other. Unless, transfer & posting of the particular cadre is made on all India basis and not on Regional basis."

Accordingly EE (E)/PCED paid me Rs. 21,800/- (Rupees Twenty one thousand eight hundred) only after deducting the transfer grant that is Rs. 8,300/- (Rupees Eight thousand three hundred) only and instructed me to work so that the period from 27/09/2001 to dt. of receiving your further posting order will be regularize.

(c) There is no order to hand over the original charges to any JE (E). In April 2002 these facts I also represent to the S.E. (E) / PCEC, Patna, but not got any reply. Then I also represent S.E. (E) / PCEC in June 2002 that please give my salary under the strength of Division as I was working, but I had not received any reply from them. Mean while, I came to know that a new appointee had already joined in Imphal where my posting was. Then on 20/06/2002 I represented to honourable Chief Engineer (Elect.), by giving all the facts to post me under Eastern Region B-I & release my salary since Oct. 2001 onward.

Keeping the above facts I continued the work. Whatever assigned to me by my superiors, but no any reply received from Department after several reminders prior to 30/05/04. The internal officials correspondence between S.E. (E), PCEC / E.E. (E)/PCED & AE (E)/MCESD came to my notice on 06/11/06 along with above cited reference (as per letter vide no. 9(1)/MCESD / 2002/346 dt. 06/07/2002 that any office order has been made to S. N. Sahai to hand over the original works and if not why? And in his reply vide no. 9(1)/MCESD/2002/856 dt. 23/07/2002 AE (E) accepted that he had not made any order to hand over original works. Moreover, I would like to intimate you that on my relieving order AE (E) particularly mentioned that you hand over all those charges which was order vide letter no. 9(1)/MCESD / 01/649 dt. 14/09/2001. He also accepted in his letter vide No. 9(1)/MCESD/2002/856 that Shri P. K. Paul, JE (E) gone on leave w.e.f. 14/09/2001 to 23/09/2001, so what is my fault that he relieved me on 24/09/2001 without handing over the charges? Because, he knew that he had only ordered to hand over the maintenance work not construction work, so after hand over the maintenance work Shri S. N. Sahai will remain on duty roll & AE (E) also mentioned in his relieving order to me that after hand over the charges mentioned in order dt. 14/09/2001 report to the EE (E), PCED, Patna for further relieving and verbally told your posting will be under Division as your posting place falls in other Region & in Division there are number of vacancy of JE (E) and original works remained with you.

On 17/09/2002 EE (E), PCED, Patna addressed to Superintending Engineer (Elect.), PCEC, Patna and accepted in Para - I that AE (E) ordered to hand over maintenance work only.

Thus, AE (E)/MCESD/EE (E)/ PCED both accepted the case that no any order to hand over the original charge was made either by AE (E) or EE (E) after my repeated information & representation.

(d) **Leave for "absence period"**

I was not absent. I worked. If I was absent then why department kept quite. Why department did not try to find out me as where about? Why department not written any letter to my native place? Why not given me any letter about absconding? Now after 5 years department is telling that the working of Sahai is fabricated & false. Why department did not replied of my any letter to me prior to my joining in Guwahati?

Department had not able to relieve a single JE (E) after 18/09/2001 from Eastern Region B - I to Region B - 2 without their willingness till today. However the D.G. (W) also charge the transfer / posting policy of JE (Civil & Elect.) posting in Eastern Region vide his O.M. no. A - 22015/4/2006 - EC- VI / 646 - 51 dt 10/07/2006 & removed the Inter regional criteria for JE's.

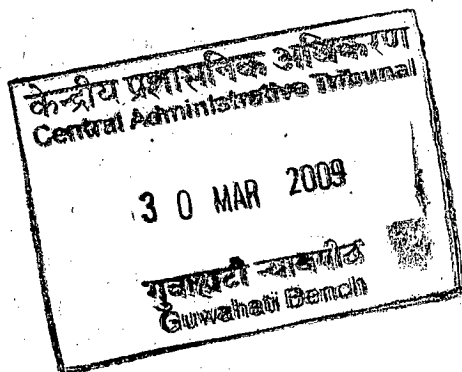
However on advice of honourable Chief Engineer (Elect.), Shri Mohan Swaroop Sahab I resume my duty in GED-II, Guwahati after giving a new transfer order on 31/05/2004

So from since beginning I am obeying the order and working due to verbal instruction of AE (E)/EE (E), PCED, Patna. The proof of there verbal instruction has shown in their action as they accept my measurements, Test checked & paid the contractor's bill, they accept the booking of O.T.E.O., the verification of PAO memoes & also accepted the handing over & taking over of electrical Installation between myself from department side & client after 27/09/2001 after completion of original work earlier assigned to me. They did not assigned me new original work but they asked me to prepare the estimate related to other JE (E) for example:

- (1) Providing internal EI & Fans in residential Colony of Maize research centre.
- (2) Providing O.H. distribution line at B.S.F. Campus, Kissanganj after rejection of under ground system by client & similar work so on.

In spite of above fact, if they written that we are not giving verbal or written order to Sahai for work is only to hide the facts.

Therefore once again I request that my legitimate grievances may please be accept and release my salary for above said period please.



Yours faithfully

16/12/06

(S. N. SAHAI)

Assistant Engineer (Elect.)  
GCESD, CPWD, Bamunimaidan  
Guwahati-21.

Copy to:

1. The Regional Secretary, C.P.W.D. JE's accosiation, Nizam palace, Kolkata-20 for Information & necessary action please.
2. The Branch Secretary, C.P.W.D. JE's accosiation, Bamunimaidan, Guwahati-21 for information & necessary action please.

Submitted to ECE Head clerk at 1.45pm on 16/12/06

16/12/06

16/12/06

(S. N. SAHAI)

-75-

Annexure 726

Special Post

105

GOVERNMENT OF INDIA  
Central Public Works Department  
GUWAHATI ELECTRICAL DIVISION No. 1  
Nirman Bhawan, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@sify.com

Phone : 0361-2550315

Fax: 0361 - 2654390

No.8(2)/GED-1/E-1/06-07/2007

Dated, Guwahati the 28/2/2007

To,

✓ The Chief Engineer (Elect.),  
CPWD, MSO Bldg.  
EZ, Nizam Palace  
Kolkata - 20.

Sub.:

Forwarding of representation by Sh. S. N. Sahai, AE (E), GCESD, CPWD, Guwahati - 21 regarding payment for the period of 01-10-2001 to 09-07-2004.

Enclosed, please find herewith a representation by Sh. S. N. Sahai, AE (E), GCESD under this Division regarding payment of salary for the period of 01-10-2001 to to 09-07-2004 for further necessary action at your end.

Encl.: As stated

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Executive Engineer (Elect.)  
Guwahati Electrical Division No. 1  
C.P.W.D., Guwahati - 781 021.

Copy to :-

The SE (Elect.), GCEC, CPWD, Guwahati - 21  
- for information please (Encl. : The copy of representation).

Mr. S. N. Sahai, AE (E),  
GCESD, CPWD, Ghy. 21

Executive Engineer (Elect.)

Recd on 14/3/07

92/75

Attested  
Dutta  
Adv

GOVERNMENT OF INDIA  
Central Public Works Department  
GUWAHATI ELECTRICAL DIVISION No. I  
Nirman Bhawan, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@sify.com

Phone : 0361-2550315

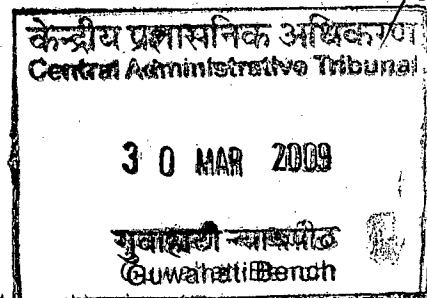
Fax: 0361 - 2654390

No.8(2)/GED-I/E-I/06-07/394

Dated, Guwahati the 18/3/2007

To,

Shri S.N Sahai, AE (Elect.),  
GCESD, CPWD  
Guwahati - 21.



Subj: Regarding posting under Eastern Region (B-1) and arrange to the release of salary for the period from 27-09-2001 to 09-07-2004 as JE (Elect.).

Ref: Letter No. 8(2)/GED-I/E-I/06-07/200 dated 08-02-2007.

You are once again requested to submit leave application for the said period to regularize the period of absence from duty within 7 (Seven) days of receipt of this letter, otherwise action will be taken as per rules.

*[Signature]*  
**Executive Engineer (Elect.)**

Guwahati Electrical Division No. I

C.P.W.D., Guwahati - 781 021.

**Copy to:-**

- 1: The CE (Elect.) EZ, CPWD, Nizam Palace, 234/4, AJC Bose Road, Kolkata - 20 w.r.t. his letter No. 9/37/97-Admn./Vol-VIII-A Dated 31-01-2007.
2. The SE (Elect.), GCEC, CPWD, Guwahati - 21 for favour of information please.

**Executive Engineer (Elect.)**

*Attested  
With  
Adh*

GOVERNMENT OF INDIA  
Central Public Works Department  
**GUWAHATI ELECTRICAL DIVISION No. 1**  
Nirman Bhawan, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@sify.com

Phone : 0361-2550315

Fax: 0361 - 2654390

No.8(2)/GED-1/E-1/06-07/457

Dated, Guwahati the 19/3/2007

### OFFICE ORDER

As approved by the Chief Engineer (Elect.), EZ, CPWD, Kolkata - 20 vide Office Memo No. 9/37/97-Admin./Vol-VIII-A dated 31<sup>st</sup> January, 2007 and in pursuance of Rule - 25 of CCS Leave Rules, the period of absence of Shri S.N. Sahai, Junior Engineer (Elect.), now Assistant Engineer (Elect.), attached to this Division; from duty for the period from 27-09-2001 to 09-07-2004 is hereby declared as "Dies-Non", for all purposes.

*A. J. 19/3/07*  
**Executive Engineer (Elect.)**  
Guwahati Electrical Division No. 1  
C.P.W.D., Guwahati - 781 021.

To, ✓ **Shri S. N. Sahai,**  
AE (Elect.), GCESD  
CPWD, Guwahati - 21.

#### Copy to :-

1. The CE (Elect.), EZ, CPWD, Kolkata - 20 in response to his Office Memo No. mentioned in this office order.
2. The SE (Elect.), GCEC, CPWD, Guwahati - 21 for information and necessary action please.
3. The AE (Elect.), GCESD, CPWD, Guwahati - 21 for information.
4. The Head Clerk, GED-1, CPWD, Guwahati - 21 for making necessary entries in the service book of Shri S.N. Sahai, AE (Elect.).
5. The JAO, GED-1, CPWD, Guwahati - 21 for information.
6. Personal file No. 15(504)/GED-1 of Shri S.N. Sahai, AE (Elect.).
7. File No. 12(2)/GED-1/E-1/2007 for record.

*[Signature]*  
**Executive Engineer (Elect.)**

*Attested  
Dutta  
AB*

108

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

File in Court on... 25/08/09 O.A. No. 59/09

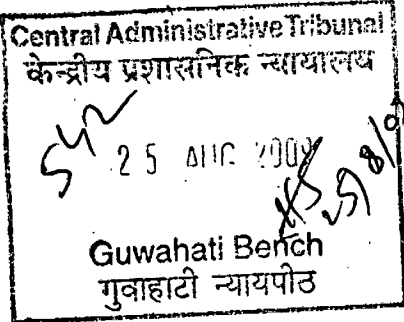
Court Officer. Sri Surendra Nath Sahai

----- Applicant

- Vs -

Union of India & Others

----- Respondent

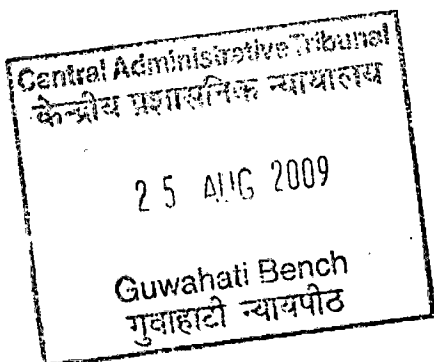


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Sl. No.	Particulars of Documents	Annexure	Page
1.	Written Statement		1-13
2.	Verification		14
3.	Photostate copies of :	I	
	a) Transfer order No. 21(1)/SE(C)/JE(E)ER/CPWD/Cal/2001/490 dated 12.07.2001	- - - - -	15-18
	b) Relieve order No. 9(1)/MCESD/01/675 on dated 24-09-2001	- - - - -	22-26
	c) Relieve order No. 21(1)/PCED/01/2145-51 dated 27.09.2001.	- - - - -	27-28
	d) SE(Coord) office order No. 21(7)/SE(C)/ER/CPWD/GEN/Kolkata/2001/714 dt. 28.09.2001		--- 29-48
	e) 6 Nos. representations dated 21.07.2001, 12.02.2002, 25.05.2002, 20.06.2002, 17.05.2003, 15.03.2004 addressed to SE(Coord).		

Reviewed  
Dutta  
25/08/09

	f) Revised transfer order No. 21(104)/SE(Coord)/ER/CPWD/CAL/2004/327 DATED 31.05.2004 is annexed here as	79	49-50
4.	Photostate copies of the letter No. 8(3)/PCEC/2006/983 dated 27-07-2006 of SE(E), PCEC along with enclosures and letter No. 12(4)/PCEC/2009/316 dated 11-05-2009 is annexed here as	II Series	51-56



Filed by  
Kankan Das  
25-8-09  
Kankan Das  
Add. C.G.S.C.  
CAT, Guwahati Bench.

① 80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. No. 59/09

Sri Surendra Nath Sahai

----- Applicant

- Vs -

Union of India & Others

----- Respondent

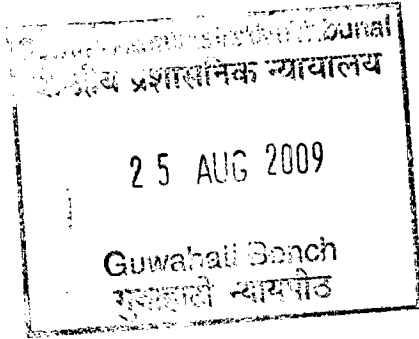
IN THE MATTER OF

Written Statement filed by the  
Respondent No...7..... on behalf  
of the all respondents.

The humble answering respondent submit their  
written statement as follows :-

1. That I ..... Dhiraj Bhattacharyya .....  
S/o... Late R. C. Bhattacharyya working as  
Executive Engineer (E) P&A, GCB And respondent  
No....7..... in the above case and I have gone  
through a copy of the application served on me  
and have understood the contents thereof save and  
except whatever is specifically admitted in the  
written statement, the contentions and statements  
made in the application may be deemed to have

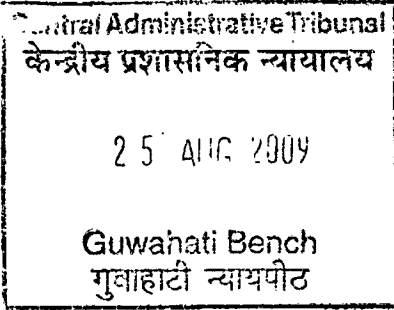
Dr. N. K. Saha  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21



Filed by the  
Respondents  
through  
Mamun Das  
Addl C.A.S.-C  
25-8-09

been denied. I am competent and authorized to file the written statement on behalf of the all respondents.

2. That the answering respondent begs to state that “applicant has no cause of action for the said application. The said application is barred by Principles of estoppels waiver and acquiescence.”



3. That the respondents before giving parawise reply, would like to give brief history of the case, which may be treated as part of the written statement.

**Brief History of the Case:**

(i) Shri Surendra Nath Sahai, Assistant Engineer(E), the then Junior Engineer (E) was posted in Mokamaghat, Elect. Sub-Division under Patna Central Electrical Division (PCED). He was then transferred to North Eastern Region (Imphal) vide SE(Coord)'s Office Order No. 21(1)/SE(C)/JE(E)ER/CPWD/Cal/2001/490 dated 12.07.2001

(ii) Shri Sahai's reliever, Shri P.K. Paul, JE(E) joined PCED on 14.09.2001.

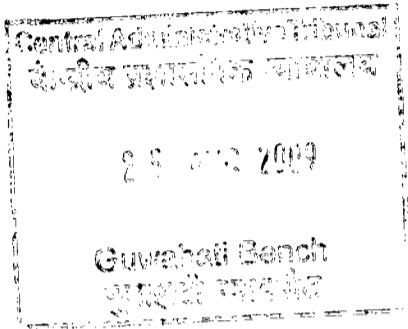
Ex. N. S. Sahai  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

(iii) Shri Sahai was then relieved from the Mokamaghat Elect. Sub-Division by AE(E), on 24.09.2001 and subsequently from Patna Electrical Division on 27.09.2001 with the direction to report to EE(E), SCED, Silchar for further posting.

(iv) Shri Sahai did not join his new posting at Imphal.

(v) In the meantime consequent upon bifurcation of Eastern Region (Region B) into Eastern Region (B-I) and North Eastern Region (Region B-II) on 18.09.2001 by DG(W), SE(Coord)ER vide their Office Order No. 714 dated 28.09.2001 ordered that all transfer/posting order of JEs already issued but not implemented upto 28.09.2001 should be kept pending. Having already been relieved on 24.09.2001 from Sub-Division & by Division on 27.09.2009, the order dated 28.09.2001 was not applicable to Shri Sahai.

(vi) Instead of joining his new posting, he made a representation after a lapse of 8 months to SE(Coord)ER on 25.05.2002 for cancellation of



*Ed. N. G. 2000*

Executive Engineer (E) P&A  
Guwahati Control Elect. Circle  
C.P.W.D., Guwahati-21

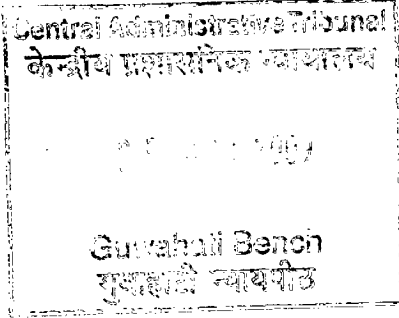
his transfer order dated 12.07.2001. Shri Sahai then made another 5 to 6 representation between 5/2002 to 6/2004 to SE(Coord) for the same without joining at new place of posting. In his representation he had referred to SE(Coord)'s order dated 28.09.2001 though the order dated 28.09.2001 was not applicable to him having been relieved from Division on 27.09.2001.

(vii) The case of Shri Sahai does not fall in the above category since he had been already relieved from the Sub-Division office on 24.09.2001 and his reliever had already joined there. This was much before cut off date specified by SE(Coord)ER i.e. 28.09.2001. Therefore, there was no need to modify his posting order and SE(Coord) did not modify his posting accordingly.

All representations were sent directly to SE(Coord) without routing through proper channel since he was relieved by the concerned office. Further, it is not possible to consider each and every representation of an office by the administration. Having not received any communication from SE(Coord.) on his

एन. नारायण  
Executive Engineer (C) P&A  
Gurukul College, Bhojpur, Bihar  
G.P.O., Bhojpur-21

representation, it was incumbent upto Shri Sahai to join his new place of posting. In addition the officer having not joined in his place of posting for 8 months after his relief, his protracted representation does not absolve him of his duty to join at his new place of posting.



(viii) Finally SE(Coord.) sent his case to Chief Engineer (E)ER for a suitable decision as Chairman of the Hard Case Committee.

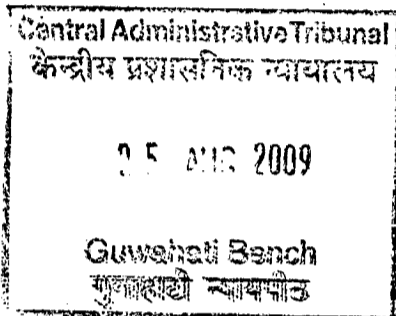
(ix) Chief Engineer (E)ER decided that the transfer order of SE(Coord.) dated 12.07.2001 be implemented. Since another JE(E) had joined at Imphal in the mean time, SE(Coord.) was further ordered to revise his posting within North Eastern Region. Accordingly, SE(Coord.) revised his posting order vide office order no. 21(104)/SE/Coord/ER/CPWD/Cal/2004/327 dated 31.05.2004 and posted him at GCED-II, CPWD, Guwahati.

(x) Shri Sahai then approached EE(E), PCED, Patna for fresh relieve. But his request was rejected on the ground that he was already relieved by their office on 27.09.2001.

dr. 20/2004  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

(xi) Shri Sahai then finally joined GCED-II, Guwahati 12.07.2004.

(xii) Shri Sahai then made representation claiming payment of salary from 27.09.2001 to 09.07.2004 on the pre text that he actually performed duty under PCED on verbal instruction of EE(E), PCED and continued to work beyond the date of relief.



(xiii) Shri Sahai's case was then referred to SE(E), PCEC, Patna for investigation and report.

(xiv) SE(E) had informed that Shri Sahai did not perform any work after being relieved from Mokamaghat Sub-Divisional office on 24.09.2001 nor was he asked by the concerned EE(E) or AE(E) to do any work.

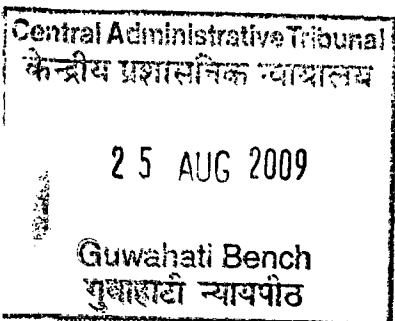
(xv) So the claim of Shri Sahai that he continued to work beyond the date of relief was false and totally fabricated. Therefore the question of payment of salary for the period from 01.10.2001 to 09.07.2004 did not arise.

শ্রী. মহাপাত্র  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-7-86-

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(xvi) Defying of office order by not joining new posting after getting relieved, made his liable for strict disciplinary action and even called for a service break. However, taking a lenient view it was ordered that the period of absence from duty may be regularized as per rules.



(xvii) Shri Sahai was then asked to submit leave application for the period of absence which he failed to comply. Hence the period of absence from 27.09.2001 to 09.07.2004 as "Dies-non" for all purpose.

4. That "with reference to statements made in paragraph 4.1 & 4.2 of the said application, the respondents do not want to make any comments."

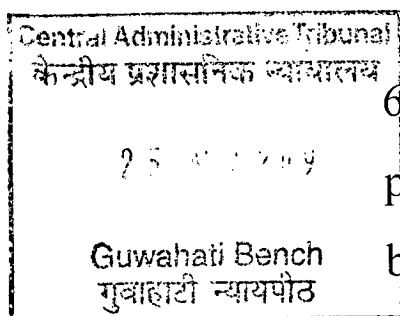
5. That with regard to the statement made in paragraphs 4.3 to 4.9 of the O.A. the answering respondent begs to state that "the order of bifurcation of Eastern Region (Region B) into Eastern Region (B-I) and North Eastern Region (Region B-II) on 18.09.2001 by DG(W), SE(Coord.)ER vide their Office Order No. 714 dated 28.09.2001 ordered that all transfer/posting order of JEs already issued but not

Dr. N. N. N. N.  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-8- 87-

implemented upto 28.09.2001 should be kept pending is not relevant in this case as the applicant was already relieved on 24.09.2001 i.e. before cut off date (28.09.2001)."

Photostate copy of the office order no. 9(1)/MCESD/01/675 on dated 24.09.2001 is annexed here as Annexure-I.



6. That with regard to the statement made in paragraph 4.10 of the O.A. the answering respondent begs to state that "LPC was not issued on 27.09.2001, TTA amounting to Rs. 30,100/- was granted to Shri Sahai for his convenience."

7. That with regard to the statement made in paragraphs 4.11 to 4.18 of the O.A. the answering respondent begs to state that "The case of applicant does not fall in the above category since he was already relieved from the concerned office on 24.09.2001 and his reliever already joined there. Therefore, there was no need to modify his posting order and SE(Coord.) did not modify his posting accordingly."

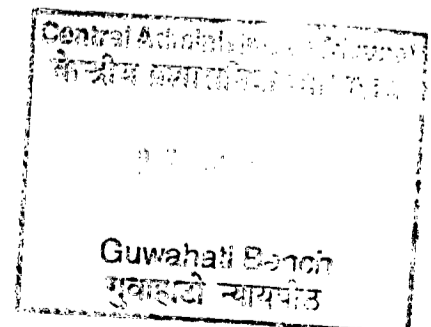
All representations were sent directly to SE(Coord.) without routed through proper channel

श्री. नरेश्वर  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

since he was relieved by the concerned office. At the first instance whenever a representation is not routed through proper channel, it is not considered at all by administration. Further, it is not possible to consider each and every representation of an officer by the administration. Pending decision on any representation, an officer can not sit ideally for such a long period after getting relieved. In such cases he should have been joined first and then made suitable representations or should have contacted SE(Coord.) for change of posting etc. In stead of doing so he simply sent few representations for action. Infact the applicant made first representation on 12.02.2002. Since he was already relieved on 24.09.2001, the representation dated 12.02.2002 had no merit. In such cases office order will always prevail and he had risked himself by not obeying office order.

- ✓ 8. That with regard to the statement made in paragraph 4.19 of the O.A. the answering respondent begs to state that "Shri Sahai neither performed any work after being relieved from Mokamaghat Sub-Divisional office on 24.09.2001 nor he was asked by the concerned EE(E) and AE(E) to do any work. There was no official direction to do so.

24.12.2002  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21



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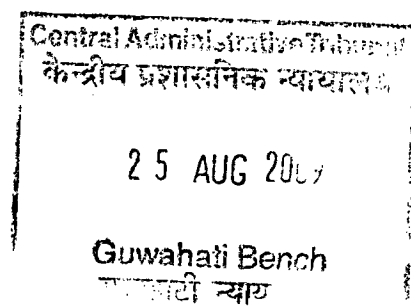
Photostat copies of the letter no. 8(3)/PCEC/2006/983 dated 27.07.2006 of SE(E), PCEC along-with enclosures and letter no. 12(4)/PCEC/2009/316 dated 11.05.2009 are enclosed as **Annexure-II Series**.

9. That with regard to the statement made in paragraph 4.20 of the O.A. the answering respondent begs to state that " Shri Sahai was referred to Hard Case Committee for decision. Chief Engineer (E)ER, being the Chairman of Hard Case Committee did not consider his case. Since another JE(E) joined at Imphal and SE(Coord.) was ordered to modify transfer order dated 12.07.2001. Accordingly SE(Coord.) revised transfer order and posted him under GCED-II, CPWD, Guwahati vide order dated 31.05.2004."

10. That with regard to the statement made in paragraph 4.21 of the O.A. the answering respondent do not offer any comment.

11. That with regard to the statement made in paragraph 4.22 of the O.A. the answering respondent begs to state that " SE(Coord.)ER vide his officer order no. 714 dated 28.09.2001 directed that all transfer/posting order of JEs already issued but not

Exc. Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21



- 11 - 90 -

120

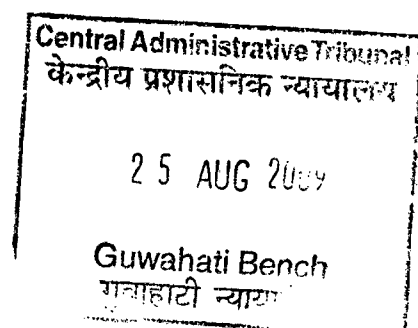
implemented upto 28.09.2001 should be kept pending, in view of bifurcation of Eastern Region (Region B) in Eastern Region (B-I) and North Eastern Region (Region B-II) on 18.09.2001 by DG(W). But that directives is irrelevant in this case since Shri Sahai was relieved on 24.09.2001 from Mokamaghat Electrical Sub-Division i.e. before cut off date (28.09.2001) and his reliever had also joined at Mokamaghat.”

12. That with regard to the statement made in paragraph 4.23 of the O.A. the answering respondent begs to state that “It has already been explained in para no. 4.19.”

13. That with regard to the statement made in paragraph 4.24 of the O.A. the answering respondent begs to state that “Shri Sahai by not obeying office order was liable for severe punishment. But taking a lenient view, he was let scot-free and his unauthorized leave was made “Dies non” to prevent his service break which would have serious consequences with pension and retirement benefits.”

14. That with regard to the statement made in paragraphs 4.25 to 4.29 of the O.A. the answering respondent begs to state that “It has already been

Exc. Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21



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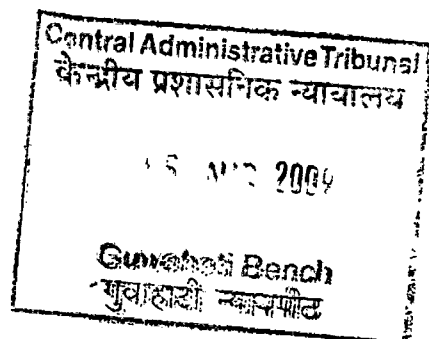
explained in para 4.19 and 4.24. Since a persons has not performed any work, how can he be paid. The office under whom he claimed to have worked, have given report that neither he had done any work nor he was asked to do any work for the period in question."

15. That with regard to the statement made in paragraph 5 of the O.A. the answering respondent begs to state that " the said application are vehemently denied. The order of bifurcation of B-I & B-II Region was issued from O/o SE(Coord.)ER on 28.09.2001. The applicant was relieved on 24.09.2001. So there is no question order dated 12.07.2001 becoming infractuous.

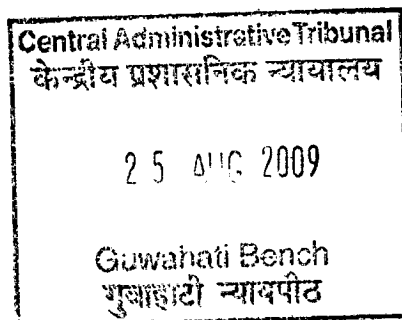
The applicant is not entitled to get any of the relief's sought for in the prayer portion (8.1 to 8.5) in the said application because plea are speculative and against principal of natural Justice. Grounds on which such relief's have been sought neither cogent nor valid.

16. That this written statement has been made bonafide and for ends of Justice and Equity.

Exco. Engr. (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21



It is therefore humble prayed  
before this Hon'ble Tribunal that  
the present application filed by  
the applicant may be dismissed  
with cost.



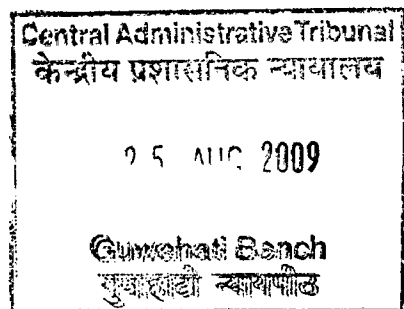
ए. न. ग. २००९

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

VERIFICATION

I Dhiraj Bhattacharyya..... Son  
 of Late R.C. Bhattacharyya aged about 41 years  
 resident of SC Road, Kumarpara, Guwahati  
 working as Executive Engineer (E) P&A, GCEC And duly  
 authorized and competent officer of the answering  
 respondents to sign this verification, do hereby  
 solemnly affirm and verify that the statements made in  
 paras 1, 2, 3, 4, 10, 12, 13, 14, 16,  
5, 6, 7, 8, 9, 11, 15,  
 ..... being matters of record are  
 true to my knowledge as per the legal advice and I have  
 not suppressed any material facts.

And I sign this verification on this 24th.....  
 Day of August.... 2009 at Guwahati.....



श्री. नृपेंद्र देव  
**Deponent**  
 Executive Engineer (E) P&A  
 Guwahati Central Elect. Circle  
 C.P.W.D., Guwahati-21

31-15-

ANNEXURE - 1

24

MOST IMMEDIATE/OUT TODAY

Office of the Superintending Engineer, Co-Ordination, CPWD, Eastern Region,  
Bizam Palace, Kolkata - 700 020.

DATE: 12.7.2001

210/SEC/JEC/ER/CPWD/CAL/2001/490

**OFFICE ORDER**

The Chief Engineer, EZ (5) CPWD, Kolkata is pleased to order the transfer/posting of the following Junior Engineers (Electrical) with immediate effect in public interest :-

Sl. No.	Name	From	To	Remarks
1.	R.K. Bose	CCEC-IV/CAL	CCEC-IV/CAL	Retention granted up to 03/2002
2.	S.K. Dasak	CCEC-IV/CAL	CCED-V/CAL	Vice Salil Tarafdar
3.	Prohir Kr. Paul	CCED-III/CAL	PCED/PATNA	Vice S. N. Sahay
4.	Arjun Kr. Adhikari	CCED-I/CAL	GCED- I/GUWAHATI	Vice Dilip Deka
5.	B.S. Saha	CCED-III/CAL	CCED-III/CAL	Retention granted up to 03/2002
6.	Salil Tarafdar	CCED-V/CAL	SCED/Silchar (H.O. Imphal)	Vice S. N. Dey
7.	H.P. Chakraborty	CCED-IV/CAL	ICED/HUSR	Vice R.K. Roy (Already Transferred)
8.	D.K. Mondal	CCED-IV/CAL	SCED/Silchar (H.O. Imphal) ✓	Vice M. K. Biswas (Already Transferred)
9.	S. N. Sahay	PCED/Patna	SCED/Silchar (H.O. Imphal) ✓	Vice A. Chakraborty (Already Transferred)
10.	H. C. Dutta	CCED-V/CAL	PCED/Patna	Vice S. Ganguly (Already Transferred)
11.	Dilip Deka	GCED-I/Guwahati	ICED/Tezpur	Existing Vacancy
12.	Debnabata Das	CCED-I/CAL	CCED-IV/CAL	Vice Subrata Ghosh
13.	Mukul Chandra Das	CCED-III/CAL	CCED-IV/CAL	Vice H. K. Mondal
14.	Subrata Ghosh	CCED-IV/CAL	CCED-I/CAL	Vice Debnabata Das
15.	T. K. Nanda	CCED-IV/CAL	CCED-III/CAL	Vice Mukul Chandra Das
16.	D.K. Biswal	ICED/Ranchi	CCED-III/CAL	Retention granted upto 03/2002
17.	A.B. Kundu	SCED/Siliguri	ICED/Ranchi	Retention granted upto 03/2002
18.	D. Bhattacharjee	CGEC-IV/CAL	SCED/Siliguri	Vice B. C. Dutta
19.	Kallol Mukherjee	CCED-IV/CAL	CCED-VI (H.O. Durgapur)	Vice A. R. Bhunia (Already Transferred)
20.	S. Sinha	GCED-I/Guwahati	SCED/Silchar (H.O. Imphal) ✓	Vice P. K. Paul
21.	S. N. Dey	SCED/Silchar (H.O. Imphal)	CCED-III/CAL	Vice Kallol Mukherjee

E-C - 1  
To be  
person concerned  
16/7/2001

(Superintending Engineer, Co-ordination/Chief of Work)

Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Bizam Palace, Kolkata - 700 020.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
25 AUG 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Exec. Engineer (E) P&A  
Guwahati Central Elect. Circle  
(P.O. CPWD, Guwahati-21)

Exc. Engineer (E) P&A  
Guwahati - 13.

Superintending Engineer (Elect)

In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/17/2001-EC-VI dated 9.6.2001 unless otherwise specified, the Junior Engineers (Under order of transfer and posting shall immediately proceed to their respective places of posting and all the controlling officers shall follow the officials under order of transfer at the earliest without waiting for substitute. The relief of officials should not be delayed by the controlling officers for any reason. The cases, where officials under orders of transfer are not relieved within 30 days, shall be brought to notice of the Director General of Works for taking action against the defaulting controlling officers.

2. Whenever a Junior Engineer (Electrical) posted in a particular Division/Circle/Zone, the controlling officer must accept the joining report and in case of non-availability of the particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Electrical).
3. Due to increase in the normal nature of work stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers and Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter directly with this office.
4. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Electrical) under orders of transfer are relieved within a time frame of 30 days from the date of joining their new places of posting and the relief of such officials should not be held up for any reason whatsoever.
5. In case, if Junior Engineers (Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office thereafter unless their transfer order are cancelled/modified or further instructions issued by this office or the Director General of Works, CPWD, New Delhi.
6. The Eastern Junior Engineers (Electrical) have been exempted after observing the procedure through guidelines as per New Delhi's O.M. No. A-22015/17/01-EC-VI dt. 9.6.2001 and transfer of posting policy as per New Delhi's O.M. No. A-22015/17/01-EC-VI dt. 9.6.2001.

(Superintending Engineer, Co-ordination/Director of Works)

Copy To:

1. The Director General of Work, CPWD, New Delhi.
2. The Addl. Director General (ER), CPWD, Kolkata.
3. All Chief Engineers (Civil & Electrical), CPWD of Eastern region.
4. All Superintending Engineers (Civil & Electrical) & Superintending Engineers (P & A) of CPWD Eastern Region.
5. All Executive Engineers (Civil & Electrical) of CPWD, Eastern Region.
6. The concerned officials through respective controlling officers.
7. The Regional Secretary, CPWD Junior Engineers' Association, Kolkata.

(S. Roy)

Engineer Assistant to Superintending Engineer, Co-ordination

REAL Office of the Superintending Engineer, Co-ordination Eastern Region, CPWD, Eastern Regional, Kolkata 700 029

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
25 AUG 2009
Guwahati Bench गुवाहाटी न्यायपीठ

Attested  
Ex. Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

96-  
-17-

25 AUG 2009  
Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

Typed True Copy

ANNEXURE - 1

MOST IMMEDIATE/OUT TODAY

Office of the Superintending Engineer, Co-ordination, CPWD, Eastern Region,  
Nizam Palace, Kolkata-700 020

No. 21(1)/SE(C)/JE(C)/ER/CPWD/CAL/2001/490

Date : 12-7-2001

OFFICE ORDER

The Chief Engineer, k EZ(E), CPWD, Kolkata is pleased to order the transfer/posting of the following Junior Engineers(Electrical) with immediate effect in public interest :-

Sl. No	Name	From	To	Remarks
1	R.K. Bose	CCEC-II/CAL	CCEC-II/CAL	Retention granted upto 03/2002
2	S.K. Basak	CCEC-II/CAL	CCED-V/CAL	Vice Salil Tarafdar
3	Probir Kr. Paul	CCED-III/CAL	PCED/PATNA	Vice S.N. Sahay
4	Arun Kr. Addhya	CCED-I/CAL	GCED-I/Guwahati	Vice Dilip Deka
5	B.S. Saha	CCED-III/CAL	CCED-III/CAL	Retention granted upto 03/2002
6	Salil Tarafdar	CCED-V/CAL	SCED/Silchar(H. Q. Imphal)	Vice S.N. Dey
7	N.P. Chakraborty	CCED-IV/CAL	BCED/BBSR	Vice K.K. Roy(Already transferred)
8	U.K. Mondal	CCED-IV/CAL	SCED/Silchar(H. Q. Imphal)	Vice M.K. Biswas(Already transferred)
9	S.N. Sahay	PCED/PATNA	SCED/Silchar(H. Q. Imphal)	Vice A. Chakraborty(Already transferred)
10	B.C. Dutta	CCED-V/CAL	PCED/PATNA	Vice S. Ganguly(Already transferred)
11	Dilip Deka	GCED-I/Guwahati	TCED/Tezpur	Existing vacancy
12	Debabrata Das	CCED-I/CAL	CCED-IV/CAL	Vice Subrata Ghosh
13	Mukul Chandra Das	CCED-III/CAL	CCED-IV/CAL	Vice U.K. Mondal
14	Subrata Ghosh	CCED-IV/CAL	CCED-I/CAL	Vice Debabrata Das
15	T.K. Nanda	CCED-IV/CAL	CCED-III/CAL	Vice Mukul Chandra Das
16	B.K. Biswal	RCED/Ranchi	RCED/Ranchi	Retention granted upto 03/2002
17	A.B. Kundu	SCED/Siliguri	SCED/Siliguri	Retention granted upto 03/2002
18	B. Bhattacharjee	CCEC-II/CAL	CCED-V(I)(HQ. Durgapur)	Vice B.C. Dutta
19	Kallol Mukherjee	CCED-IV/CAL	SCED/Silchar(H. Q. Imphal)	Vice A.K. Bhunia(Already transferred)
20	S. Sinha	GCED-I/Guwahati	CCED-III/CAL	Vice P.K. Paul
21	S.N. Dey	SCED/Silchar(H. Q. Imphal)	CCED-IV/CAL	Vice Kallol Mukherjee

Sd/-

(Superintending Engineer, Co-ordination, Director of Works)

(READ Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Nizam Palace, Kolkata-700 020)

*Handwritten signature*

CPWD, Guwahati-21  
Guwahati Central Elect. Circle  
Executive Engineer (E) P&A

CPWD, Guwahati-21  
Guwahati Central Elect. Circle  
Executive Engineer (E) P&A

97/-18-

Note :-

1. In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/72/2000-EC-VI dated 9-8-2000, unless otherwise specified, the Junior Engineers under order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officer should relieve the officials under order of transfer at the earliest without waiting for substitute. The relief of officials should not be delayed by the controlling officers for any reason. The cases, where officials under orders of transfer are not relieved within 30 days will be brought to notice of the Director General of Works for taking action against the defaulting controlling officers.
2. Whenever a junior Engineer(Electrical) posted in a particular division / Circle / Zone, the controlling officer must accept the joining report and in case of non-availability of the particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers(Electrical).
3. Due to increase in the normal tenure of soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices which is unavoidable. All Superintending Engineers and Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who on their transfer submit their joining report to them, if something they want to say, they may take up the matter later with this office.
4. All Chief Engineers, Super intending Engineers and Executive Engineers are requested to ensure that the Junior Engineers(Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to joining their places of posting and the relief of such officials should not be held up for any reason whatsoever.
5. In case of Junior Engineers(Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office thereafter unless their transfer order are cancelled/modified or further instructions issued by this office or the Director General of Works, CPWD, New Delhi.
6. The posting of Junior Engineers(Electrical) have been issued after observing due procedured/broad guidelines as per DGW's O.M. No.A-22015/8/97-EC VI dated 9-10-99 and transfer/posting policy as per this office O.M. no. . 21(1)/SE(C)/CPWD/ER/JE(C&E)CAL/20/153 dated 23/02/2001.

Sd/-

(Superintending Engineer, Co-ordination/ Director of Works)

Copy to :-

1. The Director General of Works, CPWD, New Delhi.
2. The Addl. Director General(ER), CPWD, Kolkata.
3. All Chief Engineers(Civil & Electrical), CPWD of Eastern Region.
4. All Superintending Engineers(Civil & Electrical) i/c Superintending Engineers(P&A) of CPWD Eastern Region.
5. All Executive Engineers(Civil & Electrical) of CPWD Eastern Region.
6. The concerned officials through respective controlling officers.
7. The Regional Secretary, CPWD, Junior Engineers' Association, Kolkata.

Sd/-

(S. Roy)

Engineer Assistant to Superintending Engineer, Co-ordination

(READ Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Nizam Palace, Kolkata-700 020

Attested  
Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-2

-38- 19- 98-  
Annexure-5

No. 9(1)/CESD/01/675

OFFICE ORDER

In accordance with Superintending Engineer, Patna Central Elect. Circle, C.P.W.D., Mazam Palace, Calcutta letter No. 58(3)/J.E(3)/ER/CEPD/Cal/2001/490 dated - 12.7.2001 Shri S. N. Saha Junior Engineer(Elect) is hereby relieved from duty to-day A.M. 1.9.2001 from this sub-Division and directed to report to the Executive Engineer(Elect), Patna Central Elect. Circle for his relieving from Division level. Shri P. K. Paul, J.E(3) has already joined in his place on - 11.9.2001 in this office. He is also directed to hand over all his charge to Shri P. K. Paul, J.E(3), immediately in this respect if not handed over, in this respect office order has already been issued vide this office letter No. 9(1)/CESD/01/649 dated - 14.9.2001.

(Signature)  
Assistant Engineer(Elect),  
Hokamghat Central Elect. Circle, Patna  
Central Public Works Department,  
Hokamghat

Copy for information to :-

1. The Executive Engineer(Elect), Patna Central Elect. Division C.P.W.D., Funai Chake, Patna with request to relieve him from his level.
2. The Superintending Engineer(Elect), Patna Central Elect. Circle C.P.W.D., Patna.

✓ 3. Sd/- S. N. Saha J.E(3)/57/2001/CEPD/01/675

(Signature)  
ASSISTANT ENGINEER(ELECT)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
25 AUG 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested  
(Signature)  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-20-99-

TYPED TRUE COPY

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 9(1)/MCESD/01/675

Dated 24-09-2001

OFFICE ORDER

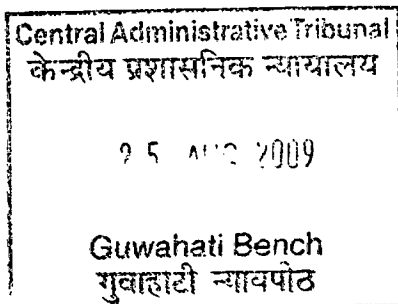
In accordance with Superintending Engineer, Co-ordination Circle, C.P.W.D., Nizam Palace, Calcutta letter No. 21(1)/SE(C)/JE(E)ER/CPWD/Cal/2001/490 dated 12.07.2001 Shri S.N. Sahay, Junior Engineer (Elect.) is hereby relieved from duty to-day A.N. i.e. on 24.09.2001 A.N. from this Sub-Division and directed to report to the Executive Engineer (Elect.)/PCED/CPWD/Patna for final relieving from Division level, Shri P.K. Paul, JE(E) has already joined on his place on 11.09.2001 in this office. He is also directed to hand over all his charge to Shri P.K. Paul, JE(E) immediately if not handed over, in this respect office order has already been issued vide this office letter No. 9(1)/MCESD/01/649 dated 14.09.2001.

Assistant Engineer (Elect.)  
Mokamaghat Central Elect. Sub-Division  
Central Public Works Depart  
Mokamaghat

Copy for information to :-

1. The Executive Engineer (Elect.), Patna Central Elect. Division C.P.W.D., Punai Chake, Patna with request to relieve his from his level.
2. The Superintending Engineer (Elect), Patna Central Elect. Circle, C.P.W.D., Patna.
3. Shri S.N. Sahay, JE(E)/MCESD/CPWD/ Mokamaghat

Assistant Engineer (Elect.)



Attested  
dr. m. s. zellee  
Executive Engineer (E) P&P  
Guwahati Central Elect. C.  
C.P.W.D., Guwahati-2

ORIGINAL  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 9(1)/PCKSD/01,

Dated: - 1/

OFFICE ORDER

In accordance with Superintending Eng. Circle, C.P.W.D., Calcutta Letter No. 21(1)/SE(C), C.P.W.D., Cal/2001/400 dated - 12.7.2001 and E.E.(E), CPWD letter No. 21(1)/ECEB/2001/1041 - 51 Dated - 10.9.2001 following charges are to be handed over/Taken over by the JE of this Sub-Division with immediate effect.

A: From Shri T.K. Das to Shri T.K. Paul JE(6)

1. M.O.S.I & fans in Non-Residential building i/c A.C. plant at G.C., C.R.P.F. Mokamghat.
2. M.O.S.I & fans in Residential building at G.C., C.R.P.F. Mokamghat.

D: From Shri S.N. Sahay to Shri T.K. Paul JE(2)

1. M.O.S.I & works of HT/LT over head line i/c 5 Nos. sub-station, H.T. panel, street light and service connection at G.C., C.R.P.F. Mokamghat.
2. M.O.S.I & fans i/c Water pump set & sewerage pump set, over head line street light at Bharat Nylon and Engineering Co. at Mokamghat.
3. 75 Nos. type -II, quarters early construction.

C: From Shri S.N. Sahay to Shri T.K. Das, JE(1)

1. R.M.O. water pump/sewerage pump at G.C., C.R.P.F. Mokamghat.
2. R.M.O. of 75 KV/D.G. set and 7.5 KVA D.G. set at G.C., C.R.P.F. Mokamghat.

Assistant Engineer (Elect),  
Mokamghat Central Elect. Sub-Division,  
Central Public Works Department,  
Mokamghat.

Copy to:-

1. The Executive Engineer (Elect), Patna Central Elect. Division, C.P.W.D., Punai Chake, Patna - 23 for information please.
2. Shri S.N. Sahay, Junior Engineer (Elect), for information.
3. Shri T.K. Das, Junior Engineer (Elect) for information.
4. Shri P.K. Paul, Junior Engineer (Elect), for information.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

ASSISTANT ENGINEER (ELECT)

Attested

श्री. मधु रेड्डी

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-22- / 101- 131

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

TYPED TRUE COPY

No. 9(1)/MCESD/01/649

Dated: 14-09-2001

**OFFICE ORDER**

In accordance with Superintending Engineer (Coord) Circle, C.P.W.D., Calcutta Letter No. 21(1)/SEC(C)/JE(c)ER/C.P.W.D./Cal/2001/490 dated 12.07.2001 and EE(E)/PCED/CPWD letter no. 21(1)/PCED/2001/1841-51 dated 10.09.2001 following charges are to be handed over/taken over by the JE(E) of this Sub-Divisions with immediate effect.

**A: From Shri T.K. Das to Shri P.K. Paul, JE(E)**

1. M.O.E.I. & fans in non-residential building i/c A.C. Plant at G.C., C.R.P.F., Mokamaghat.
2. M.O.E.I. & fans in residential building i/c A.C. Plant at G.C., C.R.P.F., Mokamaghat.

**B: From Shri S.N. Sahay to Shri P.K. Paul, JE(E)**

1. M.O.E. & M works of HT/LT over head line i/c 5 Nos. Sub-Station, H.T. panel, street light and service connection at G.C., C.R.P.F., Mokamaghat.
2. M.O.E.I. & fans i/c water pump set sewerage pump set, over head line street light at Bharat Wagon and Engineering Co. at Makama.
3. 76 Nos. type-II, quarter newly construction.

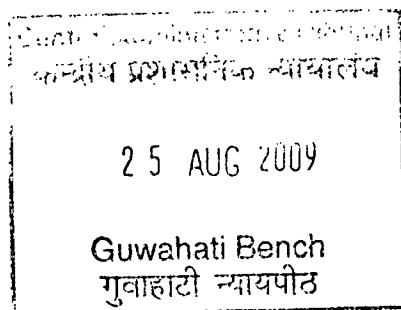
**C: From Shri S.N. Sahay to Shri T.K. Das, JE(E)**

1. R.M.O. water pump/sewerage pump at G.C., C.R.P.F. Mokamaghat.
2. R.M.O. of 75 KVA/D.G. Set and 7.5 KVA D.G. Set at G.C., C.R.P.F., Mokamaghat.

Assistant Engineer (Elect.)  
Mokamaghat Central Elect. Sub-Division  
Central Public Works Depart  
Mokamaghat

Copy to:

1. The Executive Engineer (Elect.), Patna Central Elect. Division, C.P.W.D., Punia chake, Patna – 23 for information please.
2. Shri S.N. Sahay, Junior Engineer (Elect.) for information.
3. Shri T.K. Das Junior Engineer (Elect.) for information.
4. Shri P.K. Paul Junior Engineer (Elect.) for information.



A. Das  
25.08.2001  
Executive Engineer (E) PWA  
Guwahati Central Elect. Divn  
C.P.W.D., Guwahati-2

No. 21(1)/CWD/2001/ 2145-51 Dated Patna, the 27/9/2001.

**OFFICE ORDER.**

In pursuance of Superintending Engineer, Co-ordination Circle, CWD, Kolkata office order No. 21(1)/CWC/36(E) LR/CPWD/Kal/2001/490 dtd. 12.7.2001 and consequent relative order of A.E. (E) Mokama vide his office order No. 9(1)/MCSPD/01/675 dated 24.9.2001, Sri S.N. Sahay, Junior Engineer (Electrical) is hereby relieved from this division with effect from 24.9.01 with direction to report for duty to the Executive Engineer (E), Bilchar cent. Elect. Division, CPWD, Bilchar (H.O. Imphal).  
Immediately.

Executive Engineer (E),  
Patna Central Elect. Division,  
C.P.W.D., Patna.

Copy for information and necessary action to :-

1. Superintending Engineer, Co-ordination Circle, CPWD, Kolkata with reference to his letter No. quoted above.
2. Superintending Engineer (E), Patna cent. Elect. Circle, CPWD, Patna.
3. Executive Engineer (E), Bilchar cent. Elect. Division, CPWD, Bilchar (H.O. Imphal).
4. ✓ Sri S.N. Sahay, Junior Engineer (E), through Assistant Engineer (E), Mokama Central Elect. Sub-division, CPWD, Mokamaghat.
5. Assistant Engineer (E), Mokama Central Elect. Sub-divn., CPWD, Mokamaghat with reference to his letter No. 9(1)/MCSPD/01/675 dated 24.9.2001. He should have directed the Junior Engineer to report duty to the Executive Engineer (E), Bilchar cent. Elect. Division, CPWD, Bilchar (Imphal) directly instead of this division on per order of Superintending Engineer (Co-ordination).
6. All clerk, Patna Central Elect. Division, CPWD, Patna.
7. Pay & accounts officer, CPWD, Kolkata-20.

EXECUTIVE ENGINEER (E) (ELECT.)

Administrative Tribunal  
प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायापीठ

A. Hestee

Ex. Engineer

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

- 24- 103-

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**TYPED TRUE COPY**

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 21(1)/PCED/2001/ 2145-51

Dated 27-09-2001

**OFFICE ORDER**

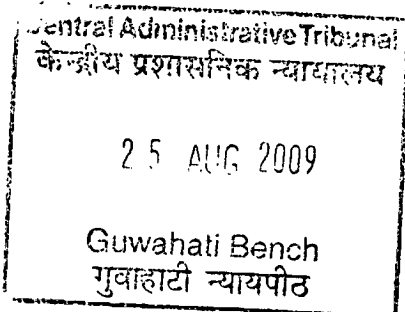
In pursuance of Superintending Engineer, Co-ordination Circle, CPWD, Kolkata office order No. 21(1)/SE(C)/JE(E)ER/CPWD/Cal/2001/490 dated 12.07.2001 and consequent relieve order of AE(E) Mokoma vide his office order No. 9(1)/MCESD/01/675 dated 24.09.2001, Shri S.N. Sahay, Junior Engineer (Electrical) is hereby relieved from this Division with effect from 24.09.2001 AN with direction to report for duty to the Executive Engineer (E), Silchar Central Electrical Division, CPWD, Silchar (H.Q. Imphal), immediately.

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

Copy for information and necessary action to :-

1. Superintending Engineer, Co-ordination Circle, CPWD, Kolkata with reference to his letter No. quoted above.
2. Superintending Engineer (E), Patna Cent. Elect. Circle, CPWD, Patna.
3. Executive Engineer (E), Silchar Cent. Elect. Division, CPWD, Silchar (H.Q. Imphal).
4. Shri S.N. Sahay, Junior Engineer (E), through Assistant Engineer (E), Mokoma Central Elect. Sub-Division, CPWD, Mokomaghat.
5. Assistant Engineer (E), Mokoma Central Elect. Sub-Divn., CPWD, Mokomaghat with reference to this letter No. 9(1)/MCESD/01/675 dated 24.09.2001. He should have directed the Junior Engineer to report duty to the Executive Engineer (E), Silchar Central Electrical Division, CPWD, Silchar (H.Q. Imphal) directly instead of this Division as per order of Superintending Engineer (Co-ordination).
6. Bill clerk, Patna Central Electrical Division, CPWD, Patna.
7. Pay & Accounts Officer, CPWD, Kolkata-20.

**Executive Engineer (Elect.)**



Attested  
by: [Signature]  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

- 25 -

Annexure IV (8)

104 -

194

Executive Engineer (Elect)

Guwahati Central Electrical Division

P.W.D. - Mokokchung - Patna

Through proper channel.

Transfer Advance, T.A and Transfer grant.

In accordance with Superintending Engineer, Co-ordinating  
SE (C)/EECO/ER/CPWD/Cal./2001/490 dated 12/7/2001  
I have been transferred from Mokokchung Central Electrical  
Subdivision to Imphal Central Electrical Subdivision under  
Shillong Electrical Division.

Therefore it is requested to kindly grant me  
the advance as follows:

- (1) Transfer grant as per my basic pay Rs 8300/-
- (2) T.A. for self - To 2 fro - 2 times @ 1500/- day = 6000/-
- (3) T.A. for 3 adults from Mokokchung to Shillong.  
@ 1500/- each = 4500/-
- (4) D.A. for 4 Nos for 3 days @ 150/- day = 1800/-
- (5) Transportation charges of materials  
by full trucks as per bill met.  
from Mokokchung to Imphal = 15000/-

Total = 35800/-

Yours faithfully

*[Signature]*  
22/9/2001

27,300

8300

1,500

21,800

21,840

30,100/-

See 21,800/-

Central Administrative Department  
केन्द्रीय प्रशासनिक विभाग

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Arrested

श्री. निरंजन रेड्डी

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati

-26- 105-

TYPED TRUE COPY

To,

The Executive Engineer (Elect.),  
Patna Central Electrical Division,  
C.P.W.D., Patna.

Through proper channel

Sub: Transfer Advance T.A. and Transfer grant.

Sir,

In accordance with Superintending Engineer, Co-ordination SE(C)/JE(E)/  
ER/CPWD/Cal/2001/490 dated 12/7/2001. I have been transferred from Mokamaghat  
Central Electrical Sub-Division to Imphal Central Electrical Sub-Division under Silchar  
Electrical Division.

Therefore, it is requested to kindly grant me the advance as follows.

(1)	Transfer grant as per may basic pay	: Rs. 8300/-	
(2)	T.A. for self To & Fro – 2 times @ 1500/way	: Rs. 6000/-	
(3)	T.A. for 3 adults from Mokama to Silchar @ Rs. 1500/- each	: Rs. 4500/-	
(4)	D.A. for 4 Nos. for 3 days @ 150/day	: Rs. 1800/-	
(5)	Transportation charges on materials By full truck as per entitlement from Mokama To Imphal.	: Rs. 15000/-	
	Total	: Rs. 35600/-	

Rs. 27300/-

Date : 26.09.2001

Yours faithfully,

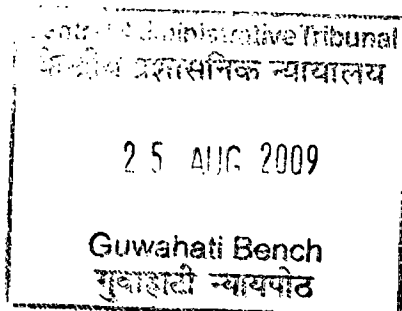
(Shri S. N. Sahai)

Forwarded to EE(E),  
PCED, CPWD, Patna for  
n/action please.

AE(E)

Rs. 27300/-	Rs. 8300/-
80%	Rs. 21800/-
Rs. 21840/-	Rs. 30100/-

Say 21800/-



Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

138

DATED 20.9.2001

superintendent of the (Co-ordination)

(1999)

Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-28- 107- 137

**GOVERNMENT OF INDIA  
OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORDINATOR, CPWD, EASTERN REGION NIZAM  
PALACE, KOLKATA-700020**

21(7)SE(C)/ER/CPWD/GEN/Kolkata/2001/714

Dated 28/09/2001

**OFFICE ORDER**

Consequent to the bifurcation of Eastern Region (Region 'B') in Eastern Region (Region B.I) and North Eastern Region (Region B.II) vide DGW, CPWD, New Delhi's OM no. 14/2/91-ECIV(C) dated 18.09.2001 and instruction contained therein that all transfers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa will fall in the category of Inter Regional Transfers, **It is hereby ordered that all transfer/posting orders or Group 'B' and Group 'D' staff including the Junior Engineer from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa already issued by this Office but not implemented so far, shall be kept in abeyance with immediate effect till further order.**

All the staff who are willing to remain in the North Eastern region (Region B.II) are hereby requested to submit their willingness within 15 (fifteen) days of issue of this order. Transfer of such staff shall be confined to North Eastern Region (Region B.II).

As per DGW, CPWD, New Delhi's OM dated 18-09.2001 mentioned above, those staff of North Eastern Region who do not indicate their willingness for the North Region (Region B.II) will be transferred to Eastern Region (Region B.I) on seniority basis subject to availability of vacancy and availability of substitute staff for North Eastern Region. The said staff are, therefore requested to submit their willingness for transfer to Eastern Region (Region B.I) within 15 (fifteen) days of issue of this order.

Those staff of Eastern Region (Region 'B') who are willing to get transferred from Eastern Region (Region B.I) to North Eastern Region (Region B.II) may submit their willingness in prescribed proforma immediately for approval of the Inter Regional Transfer by the competent authority.

All the Controlling Officers are hereby requested to send the details of unimplemented transfer order for immediate necessary action at this end.

The above order shall take effect from the date of issue.

(D.Hore)

Superintending Engineer (Co-ordinator)

**Copy to**

1. Director General of Work, CPWD, New Delhi
2. Additional Director General (ER), CPWD, Kolkata
3. Director of Administration, CPWD, Nirman Bhawan, New Delhi w.f to the telephonic discussion held on 26.09.2001.
4. All Chief Engineer (Civil & Elec.) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD.
5. All Superintending Engineer (Civil & Elec.) i/c Superintending Engineer (P&A) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD.
6. All Executive Engineer (Civil & Elec.) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD
7. All recognised Unions & Associations of CPWD, Nizam Palace, Kolkata
8. All Co-ord sections of Co-ord Circle.

*Attested*  
*at. nizam palace*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

(D.Hore)

Superintending Engineer (Co-ordinator)

Guwahati Bo  
गुवाहाटी

To,  
The Superintending Engineer co-ord circle  
C.P.W.D Nizam Palace  
234/4 Acharya J.C. Doso road  
17<sup>th</sup> floor M.S.O Building  
Kolkata 700020 (W.B.)

Through proper channel

Subject:- Request for cancellation/modification of transfer order

Sir,

With due respect, I beg to lay down following few lines for your kind perusal and favourable orders.

- I. That in the month of April 91, I for go T.A.Da for patna posting which is my home town. Accordingly I got transfer for patna but at that time no post was vacant in patna, so the then Executive Engineer directed me to report for duty to Assistant engineer (Electrical) Mokamaghat. The Posting of Mokamaghat was not as per my choice.
- II. I serve in D.F.R. work in K.C.D. in year 90.8.91 and at that time the posting in D.F.R. circle was counted as hard area, due to that posting education of my children was suffered as no Hindi medium school was there.
- III. My transfer order has been issued vide order No. 21 (1) S.E.(c) / J.E. (C) / E.R. / C.P.W.D/Cal/2001/ 49 dt 12/07/2001 and I have been order to move to Silcher, i.e., my new posting it was rather shocking for me to have received transfer order for Silcher, why I am not getting my home town patna after performing 24 years service as J.E.(E). Hence the transfer order is unfair and unjust.
- IV. My daughter taken admission in patna in B.A. Part- I and my son also taken admission in patna in class XI in science. They are reading in Hindi medium ~~medium~~. their Registration also have been made as the Exam of my daughter of B.A. Part I will be held in month of march 2002 and final board Exam of my son will be held in 2003.
- V. The authority concerned who has issued above mentioned order is well aware of the fact that once registration have been made and already two months passes in academic session change of place and change of medium of study must adversely affect study of my children at this junction when their registration for university Exam and board Exam have already been made with concern university and zone. If I leave them in patna and resume duty in silcher no one is available to look after my children.
- VI. It is imperative to mention here that my daughter is a girl

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Guwahati Bench  
গুৱাহাটী ন্যায়ালয়

Attested

Dr. N. K. Sengupta

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-30-  
109

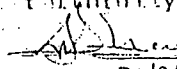
- Patient of Rheumatic and Asthmatic and undergoing treatment at G.C.O.R.P.F. Hospital Mokamaghat. Climatic condition of Silchor being North East zone remains cold and damp almost throughout the year which is not at all suit her and will have detrimental effect on her health and study.

VII. Apart from above my wife is suffering from Gynic problem since long and she was operated upon for polynoid structure on 26.10.99 at Patna by Dr. Manju Beeta Mishra. Now her body is swelling and ESR has increased considerably. Hence medical officer of G.C.O.R.P.F. Hospital advice continuous treatment and care for her.

In view of the problem explained above, I request you to consider my request for cancellation of said transfer order and order me to join in Patna (which is my home town) to protect life and future career of my children and wife be at stake. I shall ever remain grateful to you for this act of Kindness and Justice.


Thanking you in anticipation.

Your faithfully

  
21/7/2001  
S. N. Sahai  
Jr. Engineer - (Electric)  
Mokamaghat Central  
Electrical Subdivision  
C.P.W.D. Mokamaghat.

Copy of the 1) JE Association, Regional office, C.P.W.D. Nizam Palace Kolkata for information & necessary action for my Posting at Patna.

2) JE Association, Branch office, C.P.W.D. Patna for information & necessary Pursu.

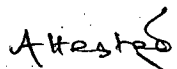
  
21/7/2001  
S. N. Sahai

Jr Engineer. (Elect)  
M.C.E.S.D. Mokamaghat

Central Administrative Tribunal  
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Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

Attested  
  
Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

The Superintending Engineer Co-Ord-Circle  
C.P.W.D. Bizon Palace, 234/4 Acharya J.C.  
Rosa Road, 17th Floor, A.C.O. Building  
Kolkata-700020 (U.P.)

Subject :- REQUEST FOR MODIFICATION OF TRANSFER ORDER WITH  
REFERENCE TO S. N. SINGH, JEED.

Sir,

With due respect I beg to lay down following few lines for your kind perusal and favourable orders with reference to my representation dated 21-07-2001.

- i) My transfer order has been issued vide order No. 21(1)/SE(C)/JE(C)/SA/CPWD/Cul/2001/400 dated 12-07-2001. But, no reliever joined upto 21-7-2001 which was the last date of admission in Class XI and in P.U. Part-I. So, my daughter taken admission in Patna in P.U. Part-I and my son also taken admission in Class XI in Patna.
- ii) They are reading in Hindi medium. The session of P.U. in these zone and when she taken admission in P.U. she have to complete her P.U. in same University otherwise her career will be spoiled.
- iii) Moreover, it is imperative to mention that North Eastern Region has separated from our Co-ordination Region vide No. D.O(W)'s O.H.No. 14/21/21-EC-IV(C) dated 12-02-2001. After that I have been relieved on 12-02-2001 to report for duty in Silcher Division which is injustice with me.
- iv) Because a JEED can only be serve in his native Zone or in a Zone where his initial posting was given earlier. Accordingly, my initial posting was in Phulbani in Orissa and my native place is in Bihar and both are in Eastern Zone. A Junior Engineer/Asstt. Engineer can only be changed his Zone on any personal reason with proper permission of D.O(W) or by option as asked by department for willingness.
- v) The authority concerned who has issued above mentioned order is well aware of the fact that once registration have been made and already two months passed in academic session change of place and change of medium of study must adversely affect study of my children at this junction when their registration for university Exam and Board Exam have already been made with concerned university and mmo.
- vi) It is imperative to mention here that my daughter is a patient of Rheumatic and Asthmatic and undergoing treatment at CC. CPWD Hospital, Korumaghat. Climatic condition of Silcher being North East zone remains cold and damp almost throughout the year will not at all suit her and will have detrimental effect on her health and study.

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Attested

ed. N. S. S. S.

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-43- 32- 141

vii) Apart from above my wife is suffering from Gynic problem since long and she was operated upon for polypoid structure on 26-10-00 at Patna by Dr. Manju Gouth Mishra. Now her body is swelling and WBP has increased considerably. Since medical Officer of CC, C.M. Hospital, Mokokhat advised continuing treatment and care for her. If I leave Guwahati in Patna and resume duty in Silchar no one is available to look after my children.

In view of the problem explained above, I request you to consider my request for cancellation of said transfer order and order to join in Patna (which is my home town) to protect life and future career of my children and wife will be at stake. I shall ever remain grateful to you for this act of kindness and justice.

Thanking you in anticipation

Yours faithfully

(S. H. MOKHAT)  
JR. ASSISTANT ELECTRICAL  
MOKHAT CENTRAL ELECTRICAL  
SUP-DIVISION, C.F. & D. MOKHAT

Central Administrative Tribunal  
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Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested

Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

Annexure - 9 (Series) - 112

Registered Post with A/P

Superintending Engineer (Elect.)  
C.P.W.D. Rim Jirn building  
Jaya deva Path Patna.

Subject - Request to retain under the strength of Division  
till my further posting order.

Sir,  
With due respect I beg to lay down the following few line  
for your kind presual and favourable order please  
The AE (E) / M.C.E.S.D. Mokamaghat issued an offi  
order vide his No. 901/M.C.E.S.D. / 1016/01 dated 14/9/2001 at  
Joining of Shri P.K. Poul JE (E) to hand over the following  
maintenance charges as under.

From S.N. Sahai JE (E) to Shri P.K. Poul JE (E)

- i) M.O.E.I. and M Works for HT/LT over head line i/c 5 No  
Substation, HT Pannel, Street light and Service Connector  
at G.C.C.R.P.F. Mokamaghat.
- ii) M.O.E.I. and Foss i/c water pump set, Sewarage pump set  
over head line, street light in Bharat Wagon Engineering  
at Mokama.
- iii) 76 Nos. type II newly constructed at G.C.C.R.P.F.  
Mokamaghat.

From S.N. Sahai JE (E) to Shri T.K. Das JE (E)

- i) R.M.O. water pump / Sewarage pump at G.C.C.R.P.F. Mokamaghat
- ii) R.M.O. of 75 k.V.A D.G. sets and 7.5 k.V.A D.G. set at  
G.C.C.R.P.F. Mokamaghat.

But, on 15.9.2001 Shri P.K. Poul went to Kolkata  
leave w.e.f 16.9.2001 and joined on 24.9.2001 and on v  
same day, AE (E) M.C.E.S.D. Mokamaghat relieved me on.

(Contd)

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested

25/8/2009  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21.

2001 A.M. without handing over of any charges. Because of this he relieved me under pressure of SE(E) PCEC. Hence the handing over of charges was not possible within few hours. However, I handed over the above said charges to shri T.K. Das on 25.9.2001 and to shri P.K. Po on 28.9.2001. But they started taking over the charges from 4/10/2001 & 09/10/2001 respectively and took time in physically counting of materials almost three months.

Moreover, it is imperative to mention here that there is no any office order issued to hand over the following construction works as well as minor works to any JE (E) which are held by me till to date.

- i) Construction of 28 Nos. Type III Qtrs. for staff at G.C.C.R.P.F. Mokamaghat.
  - ii) Providing fluorescent fittings in type I, II, III, IV, V. & ADIG (P) Bungalow at G.C.C.R.P.F. Mokamaghat.
  - iii) Repairing of Barak No 4 & Barak No 5 Jawan Barak at G.C.C.R.P.F. Mokamaghat.
  - iv) Construction of office building for incometax department at Purnea (Providing E.I & Fans).
  - v) C/O staff quaters for incometax at Purnea (Pvdg E.I & F).
  - vi) C/O staff quaters for central Excise & custom at Purnea (Providing E.I & Fans).
  - vii) Pvdg L.T. distribution, streetlight & Service Connection to the staff Qtrs for Central Excise & custom at Purnea.
  - viii) Providing 100 K.V.A Substation equipment for central Excise & custom department at Purnea.
  - ix) C/O J.N.V. Shekhpura Providing EI and fans in School building, staff quaters & Service connections e.t.c.
- I several times verbally asked AE (E) and EE (E) to issue an office order to hand over the charges of construction works to any JE (E), as they had already relieved me on

(Contd)

-114- 35-

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(3)

-46-

2001 w.e.f. 24.9.2001 A.N. But, they did not issue any order to hand over the above charges to any J.E (E). Hence, continued working though my payment has been stopped by EE(E)/PCED Palinda w.e.f. Oct 2001. In March shri P.K. Poul J.E (E) refused AE (E) to visit Purnea for measurement of works of office building as there was no any order to him to take over construction work. Then AE (E) took me there and I measured the work which was noted by AE (E), after that AE (E) himself made entry of measurement in M.B. Then on 31.4.2002 I had mostly handed over the charges of construction work to shri P.K. Poul J.E (E), as he joined in my place, as the AE (E) started to working in my place. I have only to complete the handing over of works mentioned in Par 2 (u) because checking of inventory is being carried out by C.R.P.F authority to accept the inventory of installation.

In the mean time I came to know that Eastern Region B has been bifurcated into two Region "Eastern Reg B1" and "North Eastern Region B II" by D.O. vide No. 14.2. EC dated 18.9.2001 but I have not received that letter. However, I went to Kolkata on 12.2.2002 & represent to SE (co-ord) by showing my willingness to remain in eastern region B1. On the same day I came to know in Kolkata that SE (co-ord) had already issued an office order to keep in abeyance all transfer order already issued & fallen under inter regional category vide his no. F.N. 21(7) / (co-ord) ER/C.P.W.D. GEN/Kolkata/2001/714 dt. 28.9.2001. also collected the same from reliable sources.

In the light of above facts, the relieving order issued by AE (E) / EE (E) mentioned above w.e.f. 24.9.2001 was not proper. It was only to put myself and my (contd.)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested

Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

- 47 -

in hardships due to non receipt of salary. Because I am only bread earner for my family. Therefore, the action of EE(E) is against my human rights as well as humanity.

Therefore it is humbly requested to kindly place me on posting in Patna or at Muzaffarpur as both places have existing vacancy. It is also requested that please treat me on duty till completion of checking of fittings inventory by C.P.W.D. as well as completion of handing over.

Encls:- Photo copy of office order to hand over the maintenance charges only to both the JE(E) issued by AECC on 14/9/2001

ii) Photo copy of Relieving order issued by AECC on 14/9/2001

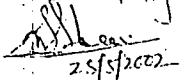
iii) Photo copy of office order issued on 29/9/2001 by SE (Co-ord) to

keep on a baggage all transfer order already issued but follow

en to enter Regional Colony.

iv) Photo copy of Representation submitted by my call on 12/2/2002 in office of SE (Co-ord) Shriang, my willingness to remain on Eastern Region (B1).

Yours faithfully

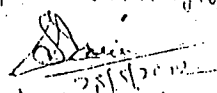
  
25/8/2002

(S. H. Sahai)

Junior Engineer (Electrical)

Indians Central Electrical Subdivision  
C.P.W.D. Malcomghat.

- Copy to:-
- i) The Chief Engineer (Elect.) C.P.W.D. m.s.o building, Nizam Bldg. Calcutta for information & favorable action please.
  - ii) The Chief Engineer (E & T) C.P.W.D. Panth Bldg. Patna for information & necessary action please.
  - iii) The SE (Co-ord) Eastern Region B1 under E & T m.s.o building, Nizam Bldg. for information with reference to my representation submitted on your good self on 12-2-2002 on favour of further posting on Eastern Region (B1) is still awaited.

  
25/8/2002

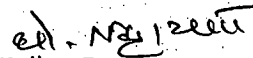
Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Accepted



Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-71

The Chief Engineer (Elect.)  
C.P.W.D., M.R.C. Building,  
Eastern Zone, Bixam Palace,  
Kolkata-700020.

- 48 -

Annexure - 9/series

Subject:- Request for Posting under Eastern Region (II) and release of my Salary Since Oct., 2001.

Sir,

With due respect I beg to lay down the following few lines for your kind perusal and favourable order please:-

- (i) With reference to my representation addressed to SE (Co-ord) on 21.7.2001, 12.2.2002 as well as on 25.5.2002 addressed to SE (E), PCED, Patna copy to your good self and also enclosed to others showing my willingness to remain continue the service in eastern Region BI.
- (ii) My representation dated 25.5.2002 also proved that the relieving order issued by AE (E), MCESD on 24.9.2001, which was received by me and by EE (E), PCED, Patna on 27.9.2001 is not proper. It has also accepted by SE (E) PCED, Patna and no reply refusal issued by him till now.
- (iii) The EE (E), PCED, Patna had granted Rs. 30,100.00 (Rupees Thirty thousand One hundred only) to me towards transfer grant & T.A., D.A. for Imphal vide his no. MX/1/PCED/2001-2205-12 dated 1/X/2001. I went Division office to receive the amount. Then EE (E), PCED, Patna told me that I will receive Rs. 21,800.00 (Rupees Twenty thousand Eight hundred only) only in lieu of Rs. 30,100.00 (Rupees Thirty thousand One hundred only) because Imphal now belong to North Eastern Region (BI). The posting order of Imphal will be revise as it fallen under category of inter regional transfer. The same can only be implemented after approval of D.G. (W) by getting the willingness of JE (E) who is also vacant in his division and I also represented for posting in "PATNA" against D. Mishra, JE (E) who had got transferred from Patna to Kolkata. Accordingly I received Rs. 21,800.00 only in lieu of Rs. 30,100.00.
- (iv) The EE (E)/AE (E) also told me to complete all the construction works which hold with me till receive of revised posting order. It will help during verification of service period, at the time of release of salary though SE (Co-ord) has already issued an order to keep in abeyance, all inter regional transfer but Govt. will not give salary without work. Accordingly I am working till now and carried all verbal instruction which are being issued to me, regarding govt. Works by AE (E)/EE (E). They are taking work from me but without my signature and telling, "your handwriting will become proof of your working."
- (v) Though I am working till now but not getting my salary since Oct., 2001. Due to non receipt of salary my family members are also suffering badly. The educational life of my children stopped mainly due to shortage of money. I became unable to bear the expenditure like hiring of accommodation and other educational expenditure like hiring of accommodation and other expenditure for want of salary. Therefore it is humbly requested to your good self to please look into the matter and kindly issue a favourable posting order to me either in Patna or at Muzaffarpur, as both places have existing vacancy. It is also requested that please treat me on duty till further posting in Eastern Region BI. Your kind and favourable action will help my children to re-admit in their school/college to reform their educational career as well as it also help me in carrying the govt. works conveniently.

For your early action I shall be obliged to your honor please.

Your faithfully

Sd/- S.N. Sahai

(S.N. Sahai) 2.9/12.00

Junior Engineer (Elect.)  
Mokamaghat Central Electrical Sub-Divn.,  
CPWD, CC, CRPF Campus, Mokamaghat.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

15 AUG 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

Attested

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

Copy to:

- (i) The Chief Engineer (EZ-II), CPWD, Pant Bhawan, Patna for information and favorable action please with refer to my representation dated 03.5.2002.
- (ii) The Superintending Engineer (Co-oid), Eastern Region III under Eastern Zonalin MSO building on 17<sup>th</sup> floor, Bhaba Palace Kolkata for information and favorable action to issue an order of posting with reference to my representation dated 21.7.2001, 25.3.2002 & 12.2.2002.
- (iii) The Superintending Engineer (E), CPWD, 7<sup>th</sup> Floor, Indira Bhawan, Patna for information and necessary action with reference to my earlier representation.

Dr. no 1339

Date 1/7/02

Office of E.C.E. (E) Patna

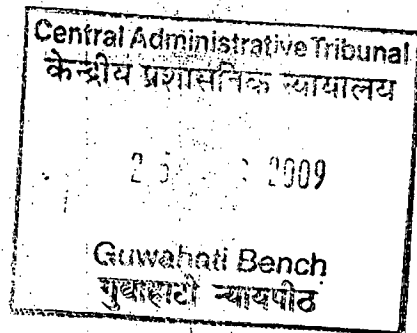
CPWD Kolkata

Attest

Signature

Head Central Elect. Division  
CPWD, Patna

(S.N. Sahai)  
Junior Engineer (Elect.)



if Hester

Dr. N. S. Saha

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

118-39-148  
TYPED TRUE COPY

To

The Chief Engineers (Elect)  
CPWD, M.S.O. Building  
Eastern Zone, Nizam Palace  
Kolkata -700020

**Sub: Request for Posting under Eastern Region (Region B I) and release of my salary since Oct, 2001**

Sir,

With due respect I beg to lay down the following few lines for your kind perusal and favourable order please.

- (i) With reference to my representation addressed to SE (Co-ord) on 21.07.2001, 12.02.2002 as well as on 25.05.2002 addressed to SE (E), PCED, Palus copy to your good self and also enclosed to others showing my willingness to remain continue the service in Eastern Region B I.
- (ii) My representation dated 25.5.2002 also proved that the relieving order issued by AE (E), MCESD on 24.09.2001 which was received by me and by EE(E), PCED, Patna on 27.09.2001 wef 24.4.2001 AN is not proper. It has also accepted by SE (E), PCED, Patna and no any refusal issued by him till now.
- (iii) The EE(E), PCED, Patna has granted Rs. 30,100.00 (Rupees Thirty Thousand one hundred only) to me towards transfer grant & T.A., D.A. for Imphal vide his no 30(1)/PCED/2001-2205-12 dated 1/x/2001. I went Division office to receive the amount. Then EE(E), PCED, Patna told me that I will receive Rs. 21,800.00 (Rupees Twenty thousand Eight hundred) only in lieu of Rs. 30,100.00 (Rupees Thirty Thousand one hundred only) because Imphal now belong to North Eastern Region (B II). The posting order of Imphal will be revise as it fallen under category of inter regional transfer. The same can only be implemented after approval of DG (W) by getting the willingness of JE (E)s. He also expressed that he would write to SE (Co-ord) to post me in same division as posts of JE (E)s are vacant in his division and I also represented for posting in "PATNA" against D. Mishra, JE(E) who had got transferred from Patna to Kolkata. Accordingly I received Rs. 21,800.00 only in lieu of Rs. 30,100.00.
- (iv) The EE(E)/AE(E) also told me to compete all the construction works which held with me till receive of revised posting order. It will help during verification of service period, at the time of release of salary through SE (Co-ord) has already issued on order to keep in abeyance all inter regional transfer but Govt. will not give salary without work. Accordingly I am working till now and carried all verbal instruction which are being issued to me regarding govt. Works by AE (E)/EE(E). They are taking work from me but without my signature and telling. "your handwriting will became proof of your working"
- (v) Though I am working till now but not getting my salary since Oct., 2001. Due to non receipt of salary my family members are also suffering badly. The educational life of my children stopped mainly due to shortage of money. I became unable to bear thief expenditure like hiring of accommodation and other expenditure for want of salary.

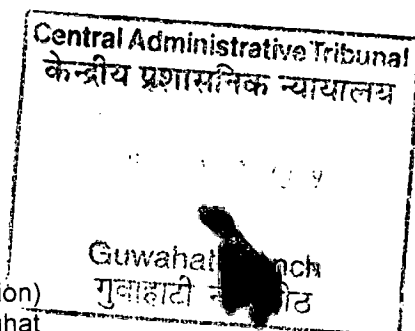
Therefore it is humbly requested to your food self to please look into the matter and kindly issue a favourable posting order to me either in Patna or at Muzzapherpur, as both place have existing vacancy. It in also requested that please treat me on duty till further posting in Eastern Region BI. Your kind and favourable action will help my children to re-admit in their school/collage to reform their educational career as well as it also help me in carrying the govt, works conveniently.

For your early action I shall be oblige to you honor please.

Your faithfully

Witnessed  
By - *[Signature]*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-2

(S.N. Sahai)  
Junior Engineer (Elect.)  
Mokamaghat Central Electral Sub-Division)  
CPWD, GC, CRFP, Campus, Mukamaghat



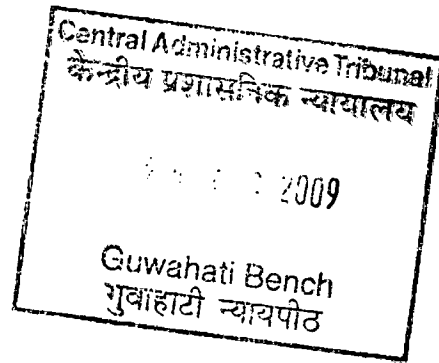
119-40-147  
TYPED TRUE COPY

Copy to

- i) The Chief Engineer (EZ-II), CPWD, Pant Bhawan, Patna for information and favourable action please with refer to my representation dated 05.05.2002
- ii) The Superintending Engineer (Co-Ord), Eastern Region B I under Eastern Zone in MSO building on 17<sup>th</sup> floor, Nizam palace Kolkata for information and favourable action to issue on order of posting with reference to my representation dated 21.07.2001, 25.5.2002 & 12.02.2002
- iii) The Superintending Engineer (E) PCEC, CPWD 7<sup>th</sup> Floor, Indira Bhawan, Patna for information and necessary action with reference to my earlier representation.

(S.N. Sahai)

Junior Engineer (Elect)



*U. R. S. Das*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

To,

The Superintending Engineer (C.C. Ord)  
C.P.W.D. Nagaon Division  
234/4 MC Road  
17th Floor H.S.C. Building  
Kolkata-700020 W.B.

Subject:- Request for issue an order of posting w.r.t S.N.Sahai  
JE(E) within Eastern Region (Region BI).

Ref:- My last representation dated 27/07/2003.

Sir,

With due respect in continuation of my earlier representation I beg to lay down the following few lines once again to your goodness for favourable orders please.

1) After issue of an office memo No. 14/2/01 EC IV (C) dated 18/9/2001, by D.G.(W) C.P.W.D. New Delhi for bifurcation of Eastern Region 'B' into two Region Eastern Region BI and North Eastern Region B II, the relieving order issued by AE(E) on 24/9/2001 to report EE(E) P.C.E.D Patna after final handing over of charges vide office order I.O. 9(1) H.S.D./01/649 dated 14/9/2001 without making arrangement to hand over charges of construction works, had no mean.

Similarly issue of a relieving order on 27/9/2001 by EE(E) P.C.E.D Patna (without submission of my report) to report in Shilchar which Division is not existing in Eastern Region BI is against D.G.(W) instruction which is lying in above said office memo of dated 18/9/2001. The posts of JE(E) in this Division are still vacant after joining of my reliever so, question does not arise for over strength of JE(E) in this Division.

11) My reliever came from Kolkata and his posting was within the Region BI which has implemented and was correct. But my posting from Mokokhat to Imphal which is interregional category was not implemented so far and in this regard SE(CC-Ord) has also issued an office order vide No. 21(7)/SE(E)(c)/EI/C.P.W.D GEN/Kolkata/2001/7/4 dated 28/9/2001 "It is hereby ordered that all transfer posting order of group 'C' and group 'D' staff including Junior Engineers from Eastern Region (Region BI) to North Eastern Region (Region B II) and vice versa already issued but not implemented so far shall kept in abeyance with immediate effect till further order" The copy of same also indorsed to D.G.(W) New Delhi, ADG(W) Kolkata, Director of Adm New Delhi, All Chief Engineer (Civil & Elect), All Superintending Engineers (Civil & Elect), All EE (Civil & Elect) to report for non implementation of inter regional category transfer for their further posting in concern Region in which they are at present.

111) The EE(E) P.C.E.D have well knowledge about non implementation of my transfer as he sanction my T.A. Bill for Shilchar after issue of above both orders, and also at time of payment he told me to receive Rs 21800/- in lieu of Rs 30100/- because further posting will be within the Region BI. So the said amount will not require. Accordingly he paid me only Rs 21800 in Division office, not through subdivision office.

11V) The educational Session is going to restart soon. So an early posting order will help to readmit my children in their school and college to reform their educational career and it also save my family from food crisis. Because I am only bread earner in my family.

Contd - Page 2

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested  
Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-71

(2) - 51 -

121 - 42 -

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Yours faithfully  
S.N. Sahni JE (E)  
H.C.E.S.D. Bokamaghat  
C.P.W.D. Mkamaghat

Copy to the Superintending Engineer (Elect) P. C. E. C. Patna for information and recommendation please.  
S.N. Sahni JE (E)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
22.12.2009  
निष्पत्ति के लिए  
मुख्यालय न्यायालय

There are 3 copies of this letter.

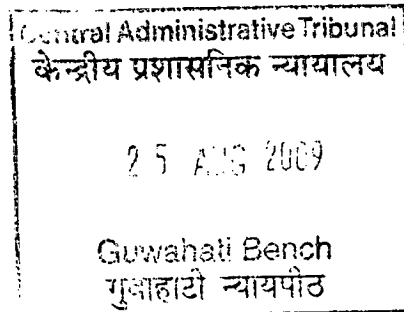
(Sent by Registered Post)

of Hestad  
En. N. 12166  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

122-  
43-  
152  
TYPED TRUE COPY

To

The Superintending Engineer (Co-ord)  
CPWD Nizam Palace  
17<sup>th</sup> Floor MSO Building  
Kolkata 700020 WB



Sub: Request for issue an a order of posting w.r.t S. N. Sahai  
JE(E) within Eastern Region (Region B I)

Ref:- My last representation dated 27.02.2003.

Sir,

With due respect in continuation of my earlier representation I beg to lay down the following few lines once again to your goodself for favourable orders please.

- i) After issue of an office memo No. 14/2/91 - EC IV (C) dated 18/9/2001, by DG (W) CPWD New Delhi for bifurcation of Eastern Region 'B' into two region Eastern Region BI and North Eastern Region BII, the relieving order issued by AE(E) on 24/9/2001 to report EE(E) PCED Patna after final handing over of changes vide office order no.9(1) MGESD /01/649 dated 14/9/2001 without making arrangement to hand over charges of construction works, and no mean.

Similarly issue of a relieving order on 27/09/2001 by EE(E) PCED Patna (Without submission of my report ) to report in Shilchar which Division is not existing in Eastern Region BI Is against DG(W) instruction which is lying in above said office memo of dated 18/9/2001. The posts of JE(E) in this Division are still vacant after joining of my reliever so, question does not arise for over strength of JE(E) in this Division.

- ii) My reliever came from Kolkata and his posting was within the region BI which has implemented and was correct. But my posting from Mokamaghat to Imphal which is interregional Category was not implemented so far and in this regard SE (Co-ord) has also issued an office order vide his no. 21(7)/SE(E)(C)/ER/CPWD GEN/Kolkata/2001/714 dated 28/09/2001 " It is here by ordered that all transfer posting order of group 'C' and group 'D' staff including Junior Engineers from Eastern Region (Region B I) to North Eastern Region (Region BII) and vice versa already issued but not implemented so far shall kept in abeyance with immediate effect till further order ". The copy of the same also indorsed to DG(W) New Delhi, ADG(W) Kolkata, Director of Adm New Delhi, All Chief Engineer (Civil & Elect), All Superintending Engineers (Civil & Elect.) & All EE (Civil & Elect) to report for non implementation of inter regional category transfer for their further posting in concern Region in which they are at present.
- iii) The EE (E) PCED have well knowledge about non implementation of my transfer as he sanction my TA bill for Shilchar after issue of both orders. And also at time of payment he told me to receive Rs. 21800/- in lieu of Rs. 30100/- because further posting will be within the Region B I so the said amount will not require. Accordingly he paid me only Rs. 21800 in Division office, not through sub division office.
- iv) The educational Session is going to restart soon. So and early posting order will help to readmit my children in their school / college to reform their educational career and it also save my family from food crisis. Because I am only bread earner in my family.

Yours faithfully

S.N. Sahai, JE (E)  
M. C. E.S. D. Mokamaghat  
CPWD, Mokamaghat

Copy to the Superintending Engineer (Elect.) PCEC Patna for information and recommendation please.

Tested  
Signature  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

S.N. Sahai JE(E)

The Superintending Engineer (C & E)  
Co-ordination Circle Kolkata  
234/1 Acharya J.C. Bose Road  
11th Floor, M.S.C. Building  
Kolkata - 700020

A. N. M. S. V. S. - 9  
Service

Subject: Request to issue an order of posting in the  
S.N. Smt. J.E. (C) within Eastern Region (Region B-I)  
Ref: my representation dated 21-7-01, 12-7-02, 25-5-02,  
20-6-02, 21-7-02, 29-11-02, 22-02-03, 12-5-03,  
22-7-03 and 22-11-03.

Sir,

With due respect, in continuation of above reference once  
again I lay down the following fact lines for your consideration  
and favourable order please.

1- My transfer order was issued vide E.N. 21(1) SE (C) / J.E. (C) /  
ER / C.P.W.D. / Co / 2001 / 430 dated 12-7-2001. But no substitute  
joined upto 1st week of Sept 2001 and the last date of admission  
in colleges was 31-7-2001 for 1st and 12-9-2001 for B.A.  
Hence accordingly I admitted my children in P.W.D. Eastern  
Region.

2- My young substitute A.C. (C) joined with 1st week of  
Sept 2001. After P.W.D. and issued an office order no 9(1) /  
M.C.E.S.D. / 01/6/1 dt 14-9-2001 to handover only maintenance  
charge to Shri P.K. Paul J.E. (C) as well as some maintenance  
charge to Shri T.K. Das J.E. (C). No any instruction to  
handover the original works to any J.E. (C) and verbally he  
instructed me to complete the original work, further order  
will issue as there is vacant post of J.E. (C) under Division  
and circle.

3- The bi-furcation of Region 'B' into two parts Eastern Region B-I and  
North Eastern Region (Region B-II) has been issued and implemented  
vide office memo no 14102/91 E.C. - IV (C) dated 18-9-2001 By D.G. (W)  
C.P.W.D. New Delhi.

4- The A.E. (C), M.C.E.S.D. Mookamghat, issued a relieving order on  
24-9-2001 A.M. with direction to report the J.E. (C) R.C.E.D. P.W.D.  
after handing over the maintenance charge for which all ready an  
office order was issued on 14-9-2001. Because on 15-9-2001  
to 23-9-2001 Shri P.K. Paul J.E. (C) was on leave. But still  
there was no any instruction about the charges of original  
works.

(Contd - Page - 2)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25

Guwahati Bench  
गुवाहाटी न्यायपीठ

Recd  
15/9/2001

Arrested

श्री. न. म. स. व. स.

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

YOUR good chair had issued an office order vide your no. SECE (E)/ER/C.P.W.D./G.E.II/Kolkata/2001/114 dt 28.9.2001

It is hereby ordered that all transfer posting of group 'C' and group 'B' including Junior Engineers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa already issued from this office but not implemented shall be kept in abeyance with immediate effect. Further order."

6- Knowing this fact The EECE) P.C.E.D. Patna has received me on 28.9.2001 by making back dating 27.9.2001. W.C.E. 27.9.2001. A.H. Mithal. Transfer T.A/D.A. and without changing my guarantee. Such as area increment. W.C.E. 1982 as well as area of 4000 sq. ft. 1981 to August, 2001 and (Tour) Travelling Allowance W.C.E. 1999 to 2001.

I have already represented to EECE) P.C.E.D. to deposit my area increment and my amenities to my C.P.C. A/c and for the school, you have to that I should not submit a statement of lifetime two year wise but he did not do so till the date.

7- Due to bl. fire in came in existence in 18.9.2001 and your office order dated 28.9.2001. No any SECE) move from North Eastern Region from Eastern Region without his own will. Only one applicant has been sent there to fill the vacancy as well as receive after 28.9.2001. I am sorry to say I have been submitted my willingness to remain in Eastern Region (Region B.I) and given my many reminders to issue an posting order for me but no any order for same has been issued from your good chair.

8- There was no any order regarding original work and transfer order kept in abeyance. So I have worked in M.C.E.D. and it can be proved from records. But on 31.10.02 the department has totally stopped my working, because C.P. call asked my C.P. vide his no. 11/1/3/2003/J.E/ER call New Delhi dt 28.10.2003 which was received by EECE). The same has been received by me on 12/11/2003 through AECE) M.C.E.D. Division office. Because they not sent my C.P. for the period 2001-02 and 2002-03 upto 11/11/2003 either to your good office or to C.P. call. Then I approach to the then AECE) as well as EECE) P.C.E.D. but no result after that I approached circle office for same and then after the period for 2001-02-03 was stopped. The actual period of 1.1.2001 to 31.12.2003 has been transferred as 1.2001 to 30.12.2003. And also the EECE) P.C.E.D. verified the period of 1.2001 to 31.12.2003 and 1.2003 and (10000/-3).

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25.11.2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Attested

Dr. N. K. Sharma

Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-71

and the then B SE (E) DEEC Patna countersigned on 23/5/89 for same report. These all shows <sup>that</sup> some officials knowingly harassed me, taking work not giving salary, wrong working period (working period)

Due to back dating done by officials as well as harassing tendency my entire family suffered for grains. my children suffers from proper education, I suffered due to mental torture and economically which affects on my health. I also suffered from promotional career. on 28/5/89 I came to know that 28 Juniors are promoted from B E (E) to A E (E) and my promotion is withheld due to officials ~~giving~~ wrong information of working period.

Therefore once again it is requested to give me posting within the region B-I and clear all the pending grievances. If my legal demands will not been clear with a week of time then I compell to take shelter from court of law.

For your kind and sympathetic consideration or favourable orders I shall be highly grateful to your hon. Please

Yours faithfully

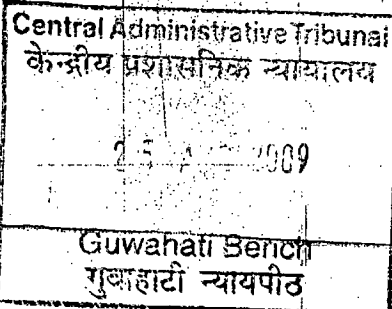
My Native Place address

S. N. Saha  
c/o - 11 P. S. N. Saha  
At 2 P.O. Naya Bhojpur  
Dist. Buxar  
BIHAR

(S. N. Saha)

Junior Engineer (Elect)

Patna central Electrical Division  
C.P.W.D. Patna.



Witnessed  
S. N. Saha  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

126- 47- 2008

25

**GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE, 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA - 20.  
TEL: (033) 2247-7416; FAX NO. (033) 2281-3183.**

No. 21(1)/SE(C)/R/KOL/2004/ 230

Dated: 30/01/2004

To  
The Chief Engineer (Electrical),  
Eastern Region, C.P.W.D.,  
Nizam Palace, Kolkata - 20.

Subject: Request for posting of Shri S.N. Sahai, Junior Engineer (Elect.) under Eastern Region (B-1) and arrange to release his salary since October 2001.

A representation received from Shri S.N. Sahai, JE(E), which is self explanatory, is enclosed herewith for your sympathetic consideration please.

Shri S.N. Sahai, who was working as JE(E) in Mokamaghat Elect. Sub-Division under Patna Central Electrical Division was transferred to North Eastern Region vide this Office Order No. 21(1)/SE(C)/JE(E)/R/CPWD/Cal/2001/490 Dated 12-07-2001. His reliever, P.K. Paul joined PCED on 14-09-2001 and Mr. Paul taking over charge on 14-09-2001 went on leave from 15-09-2001 to 23-09-2001.

In the meantime, consequent upon bifurcation of Eastern Region (Region B) into Eastern Region (Region B-I) and North Eastern Region (Region B-II) on 18-09-2001, it was ordered vide this Office order of no. 714 dated 28-09-2001 that all transfer/posting order of JEs already issued but not implemented upto 28-09-2001 should be kept in abeyance till further order.

Shri Sahai was relieved by the AE on 24-09-2001 and from the Division Office on 27-09-2001. But he did not join at Imphal (NE Region) and represented for posting under Region B-I. Till now, no new posting order has been issued to him and one new appointee JE(E) has already joined his proposed place of posting at Imphal.

Shri Sahai has already represented 7-8 times to get a new posting order under Region B-I and his case has already been sent to CE(Elect.), ER for a suitable decision as chairman of the Hard case committee. This office letter No. 21(1)/SE(C)/EIR/KOL/2002/712 dated 26-08-2002.

Shri Sahai has also prayed for payment of arrear salary and allowances for the period of past 31 months after getting relieved from PCED. It appears that no arrear salary etc. will be payable to him since he was not on specific duty, but the period of absence might have been regularised by way of sanctioning E.O. for the same.

In view of the above, a suitable decision about his new posting order within Region B-I and payment of arrear salary may please be conveyed to this Office at an early date.

Enclosed:

1. Representation of S.N. Sahai Dt. 25-05-2002.
2. Copy of Relieve Order Dt. 24-09-2001.
3. Copy of SE(Co-Ord.) order Dt. 28-09-2001.

*Bd*  
(B.K. DAS)

SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
C.P.W.D., KOLKATA.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 JAN 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

*Attested*  
Attested  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

127- 48- 137  
TYPED TRUE COPY

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE, 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA-20.  
TEL: (033) 2247-7416, FAX NO. (033) 2281-3183

No. 21(1)/SE(C)/ER/KOL/2004/280

Dated 30/04/2004

To,  
The Chief Engineer (Electrical),  
Eastern Regiona, C.P.W.D.,  
Nizam Palace, Kolkata-20.

Subject: Request for posting of Shri S.N. Sahai, Junior Engineer (Elect.) under Eastern Region (B-I) and arrange to release his salary Since October'2001.

A representation received from Shri S.N. Sahai, JE(E), which is self explanatory, is enclosed herewith for your sympathetic consideration please.

Shri S.N. Sahai, JE(E), who was working as JE(E) in Mokamaghat Elect. Sub-Division under Patna Central Electrical Division was transferred to North Eastern Region vide this office order no. 21(1)/SEC(C)/JE(C)ER/C.P.W.D./Cal/2001/490 dated 12.07.2001. His reliever, P.K. Paul joined PCED on 14-09-2001 and after partly taking over charge on 14-09-2001 went on leave from 15-09-2001 to 23-09-2001.

In the meantime, consequent upon bifurcation of Eastern Region (Region B) into Eastern Region (B-I) and North Eastern Region (B-II) on 18-09-2001, it was ordered vide this officer order of even no. 714 dated 28-09-2001 that all transfer/posting order of JEs already issued but not implemented on to 28-09-2001 should be kept in abeyance till further order.

Shri S.N. Sahai was relieved by the AE on 24-09-2001 and from the Division office on 27-09-2001. But he had not join at Impal (NE Region) and represented for posting under Region B-I. Right now no modified posting order has been issued to him and one new appointte JE(E) has already joined his proposed place of posting at Imphal.

Shri S.N. Sahai has already represented 7-8 times to get a new posting order under Region B-I and his case has already been sent to CE(Elect.), ER for suitable decision as chairman of the Hard Case Committee vide this office letter No. 21(1)/SE(C)/ER/KOL/202/712 dated 26-08-2002.

Shri Sahai has also prayed for payment of arrear salary and allowances for the period of past 31 months after getting relieved from PCED. It appears that no arrear salary etc. will be payable to him since he was not on specific duty, but the period of absence might have been regularized by way of sanctioning E.O.L. for the same.

In view of the above, a suitable decision about his new posting order within Region B-I and payment of arrear salary may please be conveyed to this Office at an early date.

Enclosed:

1. Representation of S.N. Sahai Dt. 25-05-2002.
2. Copy of Relieve Order dt. 24-09-2001.
3. Copy of SE9C-ordn) order Dt. 28-09-2001.

(B.K. DAS)  
SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER)  
C.P.W.D., KOLKATA

Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

Guwahati Bench  
गुवाहाटी न्यायपीठ

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125-49-

ANNEXURE-11

158

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE, 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA - 20  
TEL: (033) 2247-7416. FAX NO. (033) 2281-3183

No. 21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/ 3 2 7

Dated: 31/5/2004

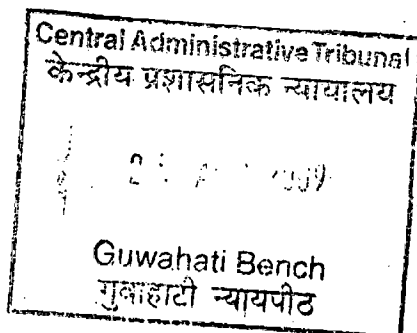
OFFICE ORDER

The Chief Engineer (ELECT.) ER, C.P.W.D., Kolkata is pleased to Decide the transfer/posting of the following Junior Engineer (Elect.) in public interest with immediate effect.

SL. NO.	NAME OF JE(E), Shri/Smt.	FROM	TO	VICE
1.	S.N. SAHAI	PCED, PATNA.	GUWAHATI CENTRAL ELECT. DIVISION-II, GUWAHATI.	SHRI DEBASHISH DAS ALREADY TRANSFERRED.

Note: -

1. In terms of DGW, CPWD; New Delhi's O.M. No: A-22015/72/2000-EC-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers under Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. ~~The cases where officials under order of transfer are not relieved within 30 days will be brought to the notice of the Director General of Works for taking action against the defaulting officer.~~
2. Division/Circle/Zone, the controlling Officer must accept the joining report and in cases of non-availability of particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Civil/Electrical).
3. Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter later with this Office. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to join their new places of posting and relief of such officials should not be held up for any reason whatsoever.



*A. K. Sengupta*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D. Guwahati-21

57-129-50

In case the Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office. Thereafter their transfer orders will be cancelled/modified or further instruction issued by this Office or the Director General of Works, CPWD, New Delhi.

5. The Junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

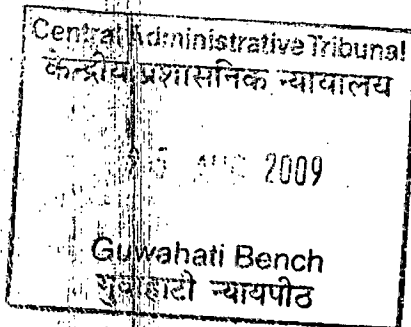
This Order supercedes all previous orders issued in respect of the Junior Engineer mentioned in this Office Order.

(B.K. DAS)  
SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

Copy forwarded for information to :

1. The Director General of Works, CPWD. EC-VI Section, Nirman Bhawan, New Delhi-110011.
2. The Additional Director General (ER), CPWD, Kolkata - 20.
3. The Chief Engineer, (Elect.), C.P.W.D. of Eastern Zone-I & IBB Zone.
4. The Concerned Superintending Engineer (Elect.) i/c Superintending Engineer (P&A) (Elect.) of C.P.W.D., Eastern Region.
5. The concerned Executive Engineer (Elect.), C.P.W.D.
6. Person Concerned (through their controlling Officer).
7. The CPWD Junior Engineers' Association, Kolkata.

*Bda*  
SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).



*A. K. Das*  
*et. n. g. 12/11/09*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-51- 130-  
Annexure J  
SPEED-POST

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GOVERNMENT OF INDIA  
PATNA CENTRAL ELECTRICAL CIRCLE  
CENTRAL PUBLIC WORKS DEPARTMENT  
7<sup>TH</sup> FLOOR, INDIRA BHAWAN  
WEST BORING CANAL ROAD  
PATNA - 800 001  
PHONE / FAX: 0612 - 2222233 / 2207004.  
Email: [sepccc@gmail.com](mailto:sepccc@gmail.com)

No. 8(3)/PCEC/2006/ 983

Date: 27/07/2006

To,  
The Chief Engineer (E) ER  
CPWD, Kolkata.

**Sub: - Request for posting of Shri S.N. Sahai, JE (E) under Eastern Region (B-I) and arrange to release his salary since Oct'2001.**

**Ref: - No. 9/37/97-Admn. Vol. VIII-A dated: 25<sup>th</sup> July 2006.**

On the above subject I am enclosing herewith the copy of letter no. No. 21(1)/PCED/2002/362 dated: 17/9/2002 by the Executive Engineer (E), PCED, Patna to Superintending Engineer (E), PCEC, CPWD, Patna. Along with two letters of the AE (E), MCESD, Mokamaghat.

The Second Para of the above letter is reproduced.

Now there are no charges with Sri Sahai. No work what so ever are being taken by Sri S.N. Sahai, as claimed by him. Never neither verbal nor any written order has been given to Sri Sahai to do any work either by the undersigned or by AE (E) Mokamaghat. So the claim of Sri Sahai is false. There is no truth in such claims.

In the above context, as per the above referred letter of the Executive Engineer (E), PCED, Patna the version of S.N. Sahai JE (E) is not acceptable.

I am also enclosing the letter no. 21(1)/PCED/2006/1041 dated: 27/7/2006 for your information.

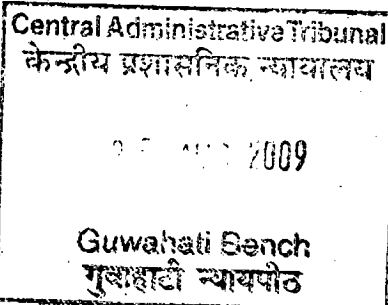
Encl: As above.

*AS above*  
Superintending Engineer (E)  
Patna Central Elect. Circle,  
CPWD, Patna.

Copy to:

The Executive Engineer (E), PCED, Patna for information with reference to his letter referred above.

Superintending Engineer (E)



*Heard*  
*21/7/2009*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

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27/9/02

27/9/02

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GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 21(1)/PCED/2002/362

Dated: 17/09/2002

To

The Superintending Engineer (E),  
Patna Central Electrical Circle,  
CPWD, Indira Bhawan, 7<sup>th</sup> Floor,  
Patna-800 001

Subj

Request for posting under Eastern Region (EL) and release of my salary since oct '2001.

Ref

(1) CE (E) ER Letter no. 937/97-ADM/Vol-VI dated 02.07.2002  
(2) YGWL letter no. 21(1)/PCED/2002/313 dated 04.09.2002 & your even file no. 184 dated 05.08.2002

In the light of above referred letters, it is intimated that AE (E) Mokamaghat was asked to clarify the facts vide this office even file no. 346(H) dated 06.07.2002. In his reply, vide his letter no. 9(1)/MCESD/2002/836 dated 23.07.2002 and even file no. 891 dated 11.09.2002, AE (E) Mokamaghat has clarified:-

1. Sri P.K. Pal JE (E) joined in place of S.N. Sahay JE (E) at Mokamaghat. So Sri Sahay had to hand over his entire charge to Sri Pal. Earlier the work of maintenance was being looked after by two JE (E)s, Sri Sahay & Sri T.K. Das. In between, charges of JE (E) were interchanged. But dismantled materials remained with the respective JE (E). Therefore AE (E) ordered for maintenance work only, as Sri Sahay had to hand over the construction work also to Sri Pal as usual.
2. Now there are no charges with Sri Sahay. No work what so ever are being taken by Sri S.N. Sahay, as claimed by him. Never neither verbal nor any written order has been given to Sri Sahay to do any work either by the undersigned or by AE (E) Mokamaghat. So the claim of Sri Sahay is false. There is no truth in such claims.

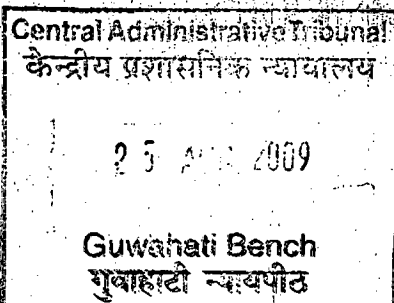
Encl: Both the letters of AE (E), Mokamaghat.

Copy to:

The AE (E), MCESD, Mokamaghat, w.r.to his letter mentioned above.

Sd/- Awadesh Kumar  
Executive Engineer (E), 17/9/2002  
Patna Cent. Elect. Div.,  
C.P.W.D., Patna.

Sd/- Awadesh Kumar  
Executive Engineer (E), 17/9/2002



Attested  
Sd/- N. N. 2002  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-2

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27-D(4)

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Government Of India  
Central Public Works Department

No:- 21(1)/PCED/2006/1041

Dated 27/07/2006.

To

The Superintending Engineer (E),  
Patna Central Electrical Circle,  
✓ C.P.W.D., P A T N A.

Sub:- Request for posting of Shri S.N.Sahay, JE(E) under  
Eastern Region (B-I) and arrange to release his salary  
since October 2001.

\*\*\*\*\*

Ref:- Your endorsement no. 8(3)/PCED/2006/948, dt. 25.7.06.

\*\*\*\*\*

Please refer your endorsed letter under reference on the  
subject. please find enclosed herewith the following letters for taking  
further needful action from your end please.

- (1) Letter no. 21(1)/PCED/2002/362, dated 17.9.2002
- (2) Letter no. 9(2)/MCESD/2002/891, dated 11.9.2002
- (3) Letter no. 9(1)/MCESD/2002/856, dated 23.7.2002.
- (4) Letter of Shri S.N.Sahay, JE(E), dated 20.6.2002.
- (5) Letter No. 21(1)/M.C.E.D./2002/346, dated 06.7.2002
- (6) Letter No. 21(1)/M.C.E.D./2002/184, dated 05.6.2002
- (7) —do— 9/37/97-ADM/Vol-V dated 20.7.2002

The handing/taking over notes of Shri S.N.Sahay, JE(E)  
has not been received by this office. Accordingly the AE(E), Mokamaghat  
Central elect. sub-Division, CPWD, Mokamaghat is directed to submit the  
handing/taking over notes of Shri Sahay immediately. As and when receive  
the same, same will be sent to you.

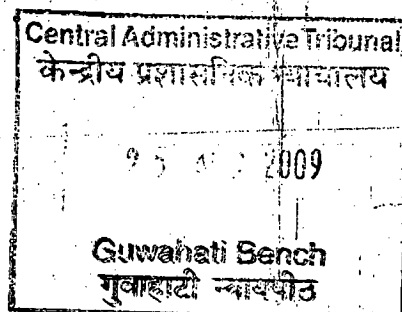
Encl:- <sup>Copy (7)</sup> Six (6) nos. in two Sets.

✓  
Executive Engineer (E)  
Patna Central Elect. Division,  
C.P.W.D., Patna.

Copy to the:-

- (1) Assistant Engineer (E), Mokma Central Elect. Sub-Division,  
CPWD, Mokamaghat. He is directed to submit the OTEO Register  
from 2001 to 2004 and Handing over notes of Shri Sahay to this  
office immediately.

EXECUTIVE ENGINEER (E) -



Attested

Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

033-22810468

FAX  
Speed-Post

GOVERNMENT OF INDIA  
O/O SUPERINTENDING ENGINEER (E)  
PATNA CENTRAL ELECTRICAL CIRCLE  
CENTRAL PUBLIC WORKS DEPARTMENT  
7<sup>TH</sup> FLOOR, INDIRA BHAWAN  
WEST BORING CANAL ROAD  
PATNA - 800 001  
PHONE / FAX: 0612 - 2914028 / 2222233.  
Email: [sepccc@gmail.com](mailto:sepccc@gmail.com) / [sepccc@sify.com](mailto:sepccc@sify.com)

No. 12(4)/PCEC/2009/ 316

Date: 11/05/2009

To,  
The Superintending Engineer (P&A)  
O/o Chief Engineer (E), ER,  
C.P.W.D, Nizam Palace,  
234/4, AIC Bose Road,  
Kolkata-20

Sub: - In the matter of OA no. 59/2009 in respect of Shri S.N. Sahai Vs Union of India & Others

Ref:- Your letter no. 26/198/Admin. Vol-VIII dated 06/05/2009.

With reference to above the reply received from Executive Engineer (E), PCED, CPWD, Patna on Para no. 4.19 is reproduced below.

"It is vehemently denied. After relieving on 24/09/2001, the Applicant might have worked in his own interest at old station (CRPF Campus, Mokamaghat) and expressed unwillingness to join his duty at new station. He had also given a representation to retain him in this office. After relieving, the applicant is not suppose to perform the duty at old station. No order was given to him to continue his duties after relieving from Division office. This is the case of fraud and he is not entitled to draw the payment for said period. However the request was not accepted as the official was already relieved."

This office agree with the above comments of EE (E). Shri S.N. Sahai was finally relieved by Executive Engineer (E), PCED, Patna on 27/09/2001 and he had not been paid salary after September 2001. Copy of letter no. 21(1)/PCED/2002/1362 dated 17/09/2002, is also enclosed herewith.

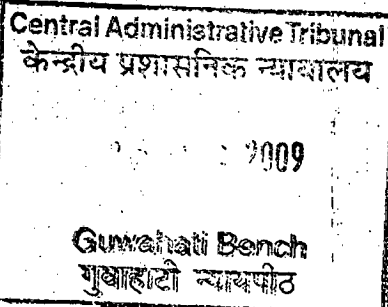
Encl: - As above.

*J. Aggarwal*  
Superintending Engineer (E)  
Patna Central Electrical Circle  
CPWD, Patna.

Copy to:-

1. The Executive Engineer (E), PCED, CPWD, Patna for information with reference to his letter no. 1673 dated 11/05/2009.

*29/5/09*  
Executive Engineer (E) P&A



*4/10/08*  
*20/12/08*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

-55- 134- 164

**GOVERNMENT OF INDIA**  
**CENTRAL PUBLIC WORKS DEPARTMENT**

11(1)/PCED/2002/362

Dated: 7/09/2002

The Superintending Engineer (E),  
Patna Central Electrical Circle,  
CPWD, Indira Bhawan, 7<sup>th</sup> floor,  
Patna-800 001.

Request for posting under Eastern Region (E.L.) and release of my salary since oct. 2001.

- (1) CE(E), ER Letter no. 9/37/97-ADM/Vol-VI dated 02.07.2002  
(2) Your letter no. 21(1)/PCEC/2002/918 dated 04.09.2002 & your even file no. 184 dated 05.06.2002

In the light of above referred letters, it is intimated that AE (E) Mokamaghat was asked to clarify the facts vide this office even file no. 346(1) dated 06.07.2002. In his reply, vide his letter no. 9(1)/MCESD/2002/856 dated 23.07.2002 and even file no. 891 dated 11.09.2002, AE (E) Mokamaghat has clarified :-

- (1) Sri P.K.Pal JE (E) joined in place of S.N.Sahay JE (E) at Mokamaghat. So Sri Sahay had to hand over his entire charge to Sri Pal. Earlier the work of maintenance was being looked after by two JE (E)s, Sri Sahay & Sri T.K.Das. In between, charges of JE (E) was interchanged. But dismantled materials remained with the respective JE (E). Therefore AE (E) ordered for maintenance work only, as Sri Sahay had to hand over the construction work also to Sri Pal as usual.
- (2) Now there are no charges with Sri Sahay. No work what so ever, are being taken by Sri S.N. Sahay, as claimed by him. Never neither verbal nor any written order has been given to Sri Sahay to do any work either by the undersigned or by AE (E) Mokamaghat. So the claim of Sri Sahay is false. There is no truth in such claims.

1. Both the letters of AE (E) Mokamaghat.

*[Signature]*  
Executive Engineer (E),  
Patna Cent. Elect. Div.  
CPWD, Patna.

by to: -

1. The AE (E), MCESD, Mokamaghat, w.r. to his letter mentioned above.

*[Signature]*  
Executive Engineer (E),

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

2000  
CPWD, Kolkata  
Guwahati Bench  
गुवाहाटी न्यायपीठ

*[Signature]*  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

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135-2791

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**GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT**

No. 9(1)/MCESD/2002/856

Dated: 23.7.2002

To: The Executive Engineer (Elect.),  
Patna Central Electrical Divn.,  
CPWD, Punaichak, Patna.

Sub: Regarding Sh. S.N. Sahay JE (E).

Ref: Your office letter No.21(1)/PCED/2002/346 dated 06.7.2002

In this respected I am to say that Sh. P.K. Paul, JE (E) had reported this office on 11.9.2001 and on the same day I had instructed Sh. S.N. Sahay, JE (E) to hand over his all charges to Sh. P.K. Paul. But maintenance work first so that Sh. P.K. Paul can able to control his work and have Chair and Table to sit. But Sh. P.K. Paul come to me on 13.9.2001 and pointed out that he will take over the charges of Sh. S.N. Sahay JE (E) only as he has joined on his place, but electrical store, dismantle materials and electrical installations are being handed over to him by Sh. T.K. Das and it so AE (E) should make order accordingly.

Hence a order was made by this office for maintenance work i/c the charge and Sh. T.K. Das vide this office letter no. 9(1)/MCESD/01/649 dated 14.9.2001, to clear the confusion Shri P.K. Paul JE(E) gone on leave w.e.f. 14.9.2001 to 23.9.2001 hence no handing over/taking over was done by both the JE (E) and on 24.9.2001 to clear the confusion.

Sh. P.K. Paul, JE (E) gone on leave w.e.f. 14.9.2001 to 23.9.2001, hence no handing over/taking over was done by both the JE (E) and on 24.9.2001 Sh. S.N. Sahay, JE (E) was re-leaved by this office with all charges with them.

Now in a short this office is to say that the above order was required to be made to clear the charges between all 3 JE (E) as Sh. T.K. Das was also involve in maintenance work.

Further I am to say that it is obvious that that if a person is transferred he has to handover his all charges to his successor, AE (E) has no authority to allow a JE (E) to keep his some charges with him though he has been re-leaved by them.

*[Handwritten signature]*  
24/7/02  
Patna Central Electrical Division  
C.P.W.D., Patna

*[Handwritten signature]*  
Assistant Engineer (E), 23/7/02  
Mokamaghat Central Elect. Sub-Div.,  
C.P.W.D., Mokamaghat.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

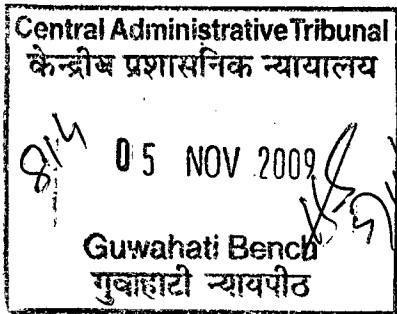
20.07.2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

*[Handwritten signature]*  
Excutive Engineer (E) P&A  
Guwahati Central Elect. Circle  
C.P.W.D., Guwahati-21

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI**



In the matter of :-

O.A.No. 59/2009.

Sri Surendra Nath Sahai.

... Applicant.

-Versus-

Union of India and Others.

... Respondents.

-And-

In the matter of:-

Rejoinder submitted by the applicant against the written statement submitted by the respondents.

The applicants most humbly and respectfully beg to state as under:-

1. That your applicant duly received the copy of the written statement and carefully gone through the same and understood the contents thereof. The applicant specifically denies the averments made in the written statement save and except which are specifically borne on record.
2. That your applicant specifically denies the correctness of the averments made in paragraph 2, sub-para V, VI, VII, XII, XIV, XV, XVI and XVII of paragraph 3 and further begs to say that the applicant has got valid cause of action for approaching this Hon'ble Tribunal through the instant original application and further specifically denies the contention of the respondents that the application is barred by principles of estoppel, waiver and acquiescence. It is humbly submitted that after the order dated 18.09.2001 passed by the DG(W), there is no scope on the part of the Assistant Engineer (E) to issue the releasing order dated 24.09.2001 as well as releasing order dated 27.09.2001 by the Patna Electrical Division with the instruction to report to the Executive Engineer (E), Silchar Cent, Elect. Division on the face of the order dated 18.09.2001 issued by the DG (W), wherein it is specifically stated that group 'C' and 'D' staff

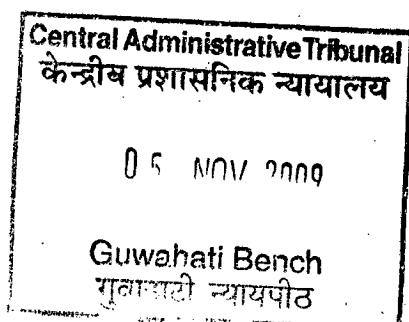
Surendra Nath Sahai

Filed by the applicant  
Through U. Dutta, advocate  
on 05.11.09.

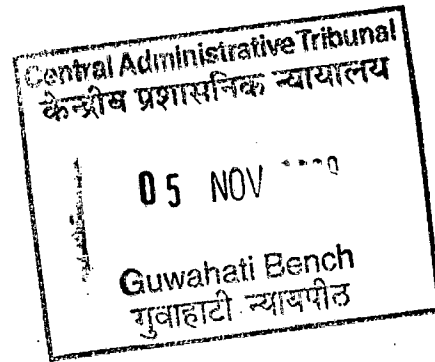
including work charged staff should be bifurcated accordingly, and allotted to the above 2 regions on as-is-where-is-basis. Therefore, question of releasing the applicant after 18.02.2001 does not arise at all on the face of the order dated 18.09.2001. The order dated 24.09.2001 are void ab initio. Hence, compliance of the order dated 24.09.2001 as well as releasing order dated 27.09.2001 does not arise on the part of the applicant.

Moreover, order dated 28.09.2001 passed by the SE Coordination, Eastern Region, Kolkata is a consequential order, even in the absence of the consequential order dated 28.09.2001, the applicant is entitled to continue under Patna Electrical Division by virtue of the order dated 18.09.2001 passed by the DG(W), CPWD, New Delhi. Moreover, it would be evident from the posting order dated 31.05.2004 issued by the SE coordination CPWD, Kolkata that the said order has been passed without any reference to the order dated 12.07.2001. As such the claim of the applicant for payment of salary w.e.f 27.09.2001 to 09.07.2004 is valid and justified. The order of dies non also passed in total violation of principles of natural justice and without following the established procedure of law. Moreover, on the face of the order dated 18.09.2001, the order of "dies non" is not sustainable in the eye of law.

3. That with regard to the statements made in paragraph 5, 7, 8, 9 and 11, the applicant denying the correctness of the aforesaid statements made in the written statement and further beg to say that the releasing order dated 24.09.2001 is void in view of the order dated 18.09.2001 passed by the DG(W), CPWD, New Delhi. Moreover, it is admitted in para 9 of the written statement that immediately after his posting at Imphal by the order dated 12.07.2001, another officer in the cadre of J.E joined at Imphal.
4. That your applicant specifically denies the correctness of the statements made in paragraph 13, 14, 15 and 16 and reiterates the statements made in the original application.
5. That in the facts and circumstances stated above, the applicants most humbly submits that he is entitled to the relief prayed for, and the O.A deserves to be allowed with costs.



Srinendra Nath Sahoo

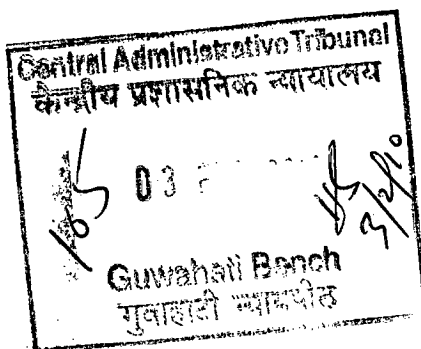


VERIFICATION

I, Shri Surendra Nath Sahai, S/O Late Jamuna Lal, aged about 57 years, working as Assistant Engineer (Electrical) in the office of the Guwahati Central Electrical Sub Division CPWD, Guwahati-21, Assam do hereby verify that the statements made in Paragraph 1 to 5 are true to my knowledge and legal advise and I have not suppressed any material fact.

And I sign this verification on this the 1st day of November, 2009.

Surendra Nath Sahai



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. No. 59/09

Sri Surendra Nath Sahai

----- Applicant

- Vs -

Union of India & Others

----- Respondent

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Sl. No.	Particulars of Documents	Annexure	Page
1.	Reply to Rejoinder		
2.	Verification		

Filed by

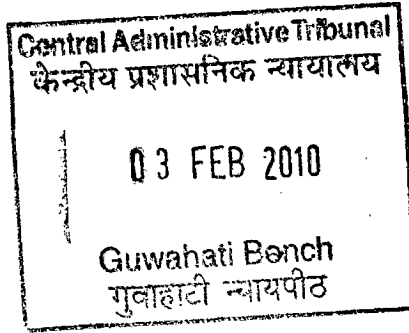
Kankan Das

3-2-2010

Kankan Das

Add. C.G.S.C.

CAT, Guwahati Bench.



Filed by the paper  
clerk  
through  
Kankar  
Addl C.M.-S.C. in  
CAT, Guwahati  
Bench on- 3-2-2010  
17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. No. 59/09

Sri Surendra Nath Sahai

----- Applicant

- Vs -

Union of India & Others

----- Respondent

IN THE MATTER OF

Reply to Rejoinder filed by the  
Respondent No....4..... on behalf  
of the all respondents.

The humble answering respondent submits their  
reply to rejoinder as follows:-

1. That, I Sri Dhiraj Bhattacharuyya working as Executive Engineer(E)P&A and Respondent No. 4 in the above case and I have gone through a copy of the rejoinder served on me and have understood the contents thereof. Some and except whatever is specifically admitted in the reply of this rejoinder the contentions and statements

Ed. n. g. u. t.  
Executive Engineer (E) P&A  
Guwahati Central Elect. Circle  
CPWD, Guwahati-01

Received  
Date  
03.02.10

03 FEB 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

made in this reply of this rejoinder may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

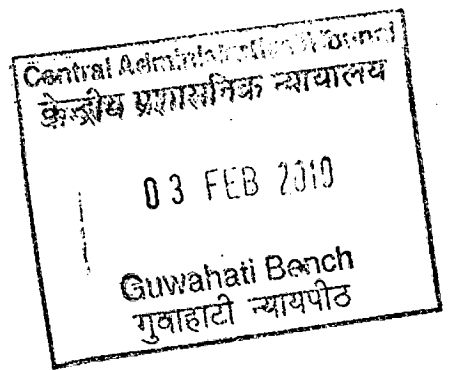
2. That with regard to the statement made in Paragraph I of the rejoinder the answering respondent do not offer any comment.
3. That with regard to the statement made in Paragraph 2 of the rejoinder the answering Respondents do not see any reasons to change their reply in para 2, sub-para V, VI, VII, XII, XIV, XV, XVI and XVII of para 3. Moreover it is not possible that each and every order of central office will automatically seep in to each and every unit of CPWD instantly through reverse osmosis. These orders were issued in 2001 when technology was not in such an advance stage. Further each order has a general and operative part. The order issued by the central office on 18.9.2001 is general in nature and the order issued by Superintending Engineer (Coordination) ER is the operating part of the order. SE(Coord.) in its order had specified cut off date 28.9.2001 for implementing the central order. Therefore all order issued and implemented

before 28.9.2001 was not required for revisiting. In this case the applicant was released by Sub-division office on 24.09.2001 and divisional office on 27.9.2001 therefore there was no need to revisit the case.

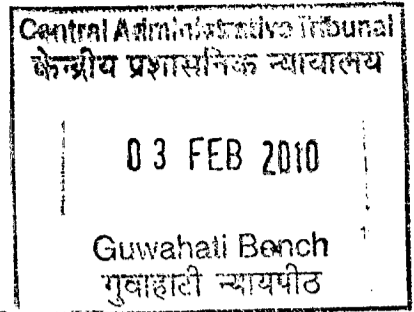
The question of payment of salary w.e.f. 27.09.2001 to 9.07.2004 does not arise since concerned, Assistant Engineer, Executive Engineer and Superintending Engineer have certified that the applicant after being relieved from the sub-division was never asked to do any work or had done any work.

4. That with regard to the statement made in Paragraph 3 of the rejoinder the answering Respondent do not see any reasons to change their statement as given in para 5,7,8,9 & 11

5. That with regard to the statement made in Paragraph 4 & 5 of the rejoinder the answering respondent begs to state that after taking a lenient view, the applicant has been let out without any major punishment such as break in service for remaining unauthorized leave. Since a person has not performed any work, how can he be paid. The officer under whom



he claimed to have worked, have given report that neither he had done any work nor he was asked to do any work for the period in question. Therefore, the applicant is not entitled to any relief sought and prayed in OA.



**VERIFICATION**

I ..Dhiraj.. Bhattacharyya.....  
Son of..Late Ramesh..ch.. Bhattacharyya..... aged  
about ....42 yrs..... resident of  
..SC Road, Kumarpara, Guwahati..... working as  
Executive Engineer (E) P & A.... And duly authorized and  
competent officer of the answering respondents to sign  
this verification, do hereby solemnly affirm and verify  
that the statements made in paras .....  
are true to my knowledge, belief and information and  
those made in para .....14 to 5..... being  
matters of record are true to my knowledge as per the  
legal advice and I have not suppressed any material  
facts.

And I sign this verification on this .....3-2-2010.....  
Day of ..... 2010 at .....

*el. n. guwa*  
**Deponent**  
Executive Engineer (E) P & A  
Guwahati Central Elect. Circle  
CPWD, Guwahati-81