

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

59/09 2009-2008

O.A./TA/NO.....
R.A./CP/NO.....
E.P./M.P./NO. 29/09/2015

1. Order Sheets..... 03 pg..... 01 to 05 ✓
MP 29/09 01 to 03 ✓
2. Judgment/ order dtd. 04.05.2009 pg. 01 to 07 ✓
3. Judgment & Order dtd. ✓ received from H.C. /Supreme Court.
4. O.A. 59/09 page..... 01 to 77 ✓
5. E.P./M.P. 29/09 page..... 01 to 04 ✓
6. R.A./C.P. ✓ page..... to.....
7. W.S. by R-7 Page..... 01 to 56 ✓
8. Rejoinder by applicant page..... 01 to 03 ✓
9. Reply to rejoinder by R-1 page..... 01 to 05 ✓
10. Any other papers ✓ page..... to.....
11. Memo of appearance - 01 ✓

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. Misc Petition No /

3. Contempt Petition No /

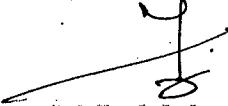
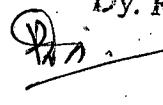
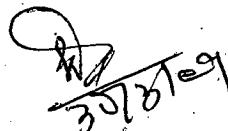
4. Review Application No /

Applicant(s) Surendra Nath Sahai

Respondent(s) M. O.I 9028

Advocate for the Applicant(s): M. Chanda, C. Nath
Ms. Le-Dutta

Advocate for the Respondant(s): CGSC

Notes of the Registrar	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/AD No. 396, 3927.95 Dated, 28.9.08	30.03.2009 nkm	Call this matter on 31.03.2009.  (M.R. Mohanty) Vice-Chairman
Dy. Registrar 	31.03.2009	Heard Mrs.U.Dutta, learned counsel appearing for the Appliacnt 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.
Steps incomplete Exces Rs 5/- deposited Copy Served.		Subject to question of limitation, issue notice to the Respondents requiring them to file their counter by 15.05.2009.  Contd...

Contd.
31.03.2009

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

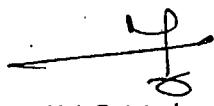
D/No - 1699 to 1705

Dt - 13-4-09

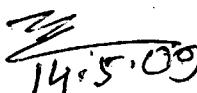
/bb/

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

Service report
awaited.


 14.5.09

18/5/09

Mrs. K. Das,
please comply
in order dt.

Lm

15.5.09

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

22.07.2009

On the prayer of Mr.K.K.Das,
learned Addl. Standing Counsel
appearing for the Government of India,
call this matter on 22nd 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

/bb/

D/No - 2585 to 2592


 19/5/09. Dt: 21.5.09

Notice duly served
on R-No.

18.5.09 No. W/S bilck
18.5.09 24.8.09

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.

26.8.09
W/S filed by
the Respondents,
Copy served.
K.S/8/09

No rejoinder filed.

3/2
5.10.09

/pb/


(M.K. Chaturvedi)
Member(A)


(M.R. Mohanty)
Vice-Chairman

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/

Copies of order
dated 6/10/09
Send to D/cecc.
For issuing to
the applicant and
the respondents
by post.
D/No-11791 to 11798 /bb/
12/10/09. Dt= 16-10-09

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)

W/S filed.

3/2
5.11.09

5.11.09
Rejoinder has been
filed to-day.
K.S/11/09 The case is ready
for hearing. m/2.12.09

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 ~~has to~~ ^{will} argue the matter ~~premises~~ ^{for adjournment due to his} ~~unable~~ ^{inability} to attend Court today.

The case is ready for hearing.

BB
8/1/2010

List on 11.01.2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

32. 2010
Reply to the
Rejoinder filed
by the Respondent
3/1/2010

11.01.2010

On the request of Parties, adjourned to 10.02.2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/PB/

The case is ready for hearing.

BB
9/2/2010

10.2.2010

List the matter on 30.3.2010.


(Madan Kumar Chaturvedi)
Member (A)

The case is ready for hearing.

/lm/

30.03.2010

On the request of both sides, adjourned to 05.04.2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

The case is ready for hearing.

BB
1.4.2010

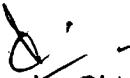
O.A. 59/2009

05.04.2010

The case is ready
for hearing.

27.4.2010 lm

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.


(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)

lm

Received Copy
Anupam Goswami
Advocate
11.05.2010
Received copy
for R. NO - T.
(Supervising Eng. (Electrical))
GHY-21.

B. and

12-5-2010

2/6/2010
Judgment/Final order dated
4/5/2010 before and sent to the
Dispatch Section for issuing to
Respondents by P.O.D -
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 SahaiApplicant/s

Mr M. ChandaAdvocates for the
.....Applicant/s

-Versus -

Union of India & Ors.Respondent/s

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

Noticed
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
17th Floor, M.S.O. Building, Kolkata – 700020.

D

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



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-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."

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.

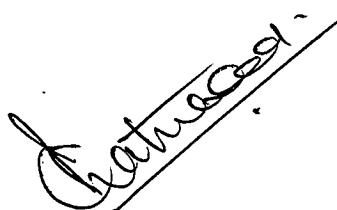
11. Indisputably applicant was relieved from the Mokamaghat Electrical Sub Division by AEE(E) on 24.9.2001. Subsequently from Patna Division on 27.9.2001 with the direction to report to EE(E) Silchar for further posting. Having already been relieved on 24.9.2001 from Sub Division and on 27.9.2001 by 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.



A handwritten signature in black ink, slanted from the top left to the bottom right. The name 'Chaturvedi' is clearly legible within the signature.

(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER



A handwritten signature in black ink, slanted from the top left to the bottom right. The name 'Gupta' is clearly legible within the signature.

(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

/pg/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GHY

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

O. A. NO. _____ /2009

Sivendra Nath Sahai -vs- U.O.I 2 as.

seen
forwarded
to be done
30.03.09

M. Dutta
30.03.09.

Alam
by
3/93

NOTICE

From

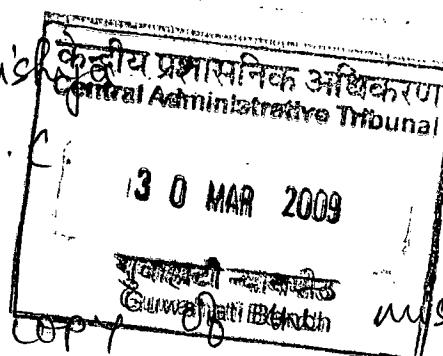
U. Dutta
Advocate

To

Sri G. Balishwar
केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal

Sr. C. G. S. C.

30 MAR 2009



Sir,

Please find herewith a ~~copy~~ ^{musc. petition} in O.A. _____ /09, Sri S. N.
M. P. NO. _____ /09, in O.A. _____ /09, Sri S. N.
Sahai -vs- U.O.I & ors. Kindly acknowledge.

Received

Grantam bimby
30.03.09
()

Thanking you,

U. Dutta

30 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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)

30 MAR 2009

गुवाहाटी न्यायपोर्ट
Guwahati Bench

ii

30.10.2001 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, Mokamaghata 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)

30 MAR 2009

Guwahati Bench

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 ~~Guwahati 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.

P R A Y E R S

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/06-07/2135 dtd. 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.

30 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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.

INDEX

Sl. No.	Annexure	Particulars	Page No.
01.	----	Application	1-29
02.	----	Verification	-30-
03.	1	Copy of the transfer and posting order dtd. 12.07.2001	31-32
04.	2 and 3	Copy of the representation dtd. 21.07.2001 and office memorandum dtd. 18.09.2001	33-36
05.	4	Copy of the office order dtd. 14.09.2001	-37-
06.	5	Copy of the release order dtd. 24.09.2001	-38-
07.	6 and 7	Copy of the office order dated 27.09.2001 and 01.10.2001	39-40
08.	8	Copy of the office order dtd. 28.09.2001	-41-
09.	9 series	Copy of the representation dtd. 12.02.2002, 25.05.2002, 20.06.2002, 12.05.2003 and 15.03.2004	42-54
10.	10	Copy of the office order dtd. 02.07.2002	-55-
11.	11	Copy of the letter dtd. 31.05.2004	56-57
12.	12	Copy of letter dated 20.09.2004.	-58-
13.	13	Copy of letter dated 11.10.2004	-59-
14.	14	Copy of letter dated 22.12.2004	-60-
15.	15	Copy of letter dated 04.12.2004	-61-
16.	16	Copy of the representation dtd. 21.02.2005	62-63
17.	17 and 18	Copy of the office memoranda dated 27.07.06	64-65
18.	19 and 20	Copy of the O.M dated 17.09.02 and 23.07.02	66-67
19.	21	Copy of the impugned letter dated 08.09.2006	-68-
20.	22 and 23	Copy of the impugned O.M dtd. 21.09.06 and 10.10.06.	69-70
21.	24	Copy of the letter dtd. 10.10.2006	-71-
22.	25	Copy of the representation dtd. 16.12.2006	72-74
23.	26 and 27	Copy of the letter dtd. 08.02.07 and letter dtd. 12.03.2007	75-76
24.	28	Copy of the impugned office order dtd. 19.03.2007	-77-

25
26
27

W/S
Rejoinder
Reply to the Rejoinder - Filed by

78-135
136-138
139-144

Mutha
Advocate

Date: 30.03.09

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

गुवाहाटी न्यायपीठ
Guwahati Bench

BETWEEN

Sri Surendra Nath Sahai.
Assistant Engineer (Electrical)
Cauhati Central Electrical Sub Division,
Bamunimaidan,
Cuwahati-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 Bhawan
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),
Mokamaghatal Central Elect. Sub-Division,
Central Public Works Department,
Mokamaghatal, Patna- 8000001.
6. The Superintendent Engineer (Co-ordination),
C.P.W.D, Nizam Palace,
234/4, A.J.C. Bose Road, 17th Floor, M.S.O Building, Kolkata- 700020.

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

..... 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

30 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

2a

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 ^{applicant} ~~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.

Surendra Nath Sahar

30 MAR 2009

That it is further stated that in the meanwhile the Director General (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 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)

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)".

Surendra Nath Saha

30 MAR 2009

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

Surendra Nath Sahai

30 MAR 2009

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 vise-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)

Surendra Nath Sahar

30 MAR 2009

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, infact became infractuous 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 infractuous. Be it

Surendra Nath Sehgal

30 MAR 2009

3

stated that transfer order dtd. 12.07.2001 was issued by S.E (Coordination) Makamaghat Bench 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

Surendra Nath Sahar

30 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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 Electrical 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

Suresh Nath Saheb

30 MAR 2009

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 what 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).

Surendra Nath Sehgal

30 MAR 2009

गवाहाटी न्यायपोट

37

4.13 That your applicant submitted a detailed representation on 20.06.2002, wherein he has specifically pointed out by the applicant that he had in fact 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.I.

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 in fact 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

Surendra Nath Sahai

30 MAR 2009

गुवाहाटी न्यायपीठ

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 30th 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

Surendra Nath Sahai

30 MAR 2009

गवाहाटी न्यायपीठ
CE(E) aERa:CRWD

27.07.2006, the S.E, Patna CEC, CWD informed the

39

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

Surendra Nath Shah

30 MAR 2009

ગુજરાતી ન્યાયપીઠ

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.Paul, 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.

Surendra Nath Sahai

30 MAR 2009

Sh. P.K.Paul, JE (E) gone on leave w.e.f 14.9.2001 date 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

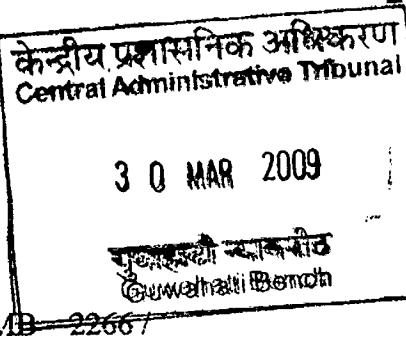
Record measurement & bill of service connection for type – IV Qtrs for GCCRPF,

Mokamaghata 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.

Surendra Nath Sahay



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

- 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

& 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

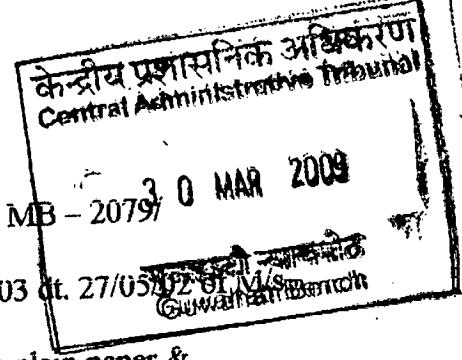
1. Record measurement of panel board of substation No. 4

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

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

Surendra Nath Sahai



M/s Jaya Electricals
PCED/MCESD.

09/05/02 Measurement of work order No. 4/W.O./MCESD/2002-03 dt. 27/05/02 of M/s Nath
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/evaluation of fund as well as new proposal
for the year 2002 - 2003 addressed to Addl. DIG (P), CRPF Mokamaghat vide his
letter

No. BV - I/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,
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.

Surendra Nath Sahar

30 MAR 2009

गुबाहटी न्यायपीठ

3. PAO memo no. PAO/CPWD/WA II/MPSSA336 DT. 15/12/2002
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,

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

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/Mokam
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/Mokamaghpat.

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/Mokamaghpat 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 Mokamaghpat vides his no. B.V.L/2002 -03 – BID dt. 12/12/2002 has

been made on 24/12/2002 & submitted to AE (E)/MCESD/Mokamaghpat 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

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

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).

Surendra Nath Sahai

30 MAR 2009

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

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

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 Mokamaghata.

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

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

Surendra Nath Sahai

30 MAR 2009

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

Surendra Nath Saha

30 MAR 2009

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

Sunendra Nath Sahai

30 MAR 2009

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)/GCCEC/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),

Supendra Nath Sehao

30 MAR 2009

गुवाहाटी न्यायपीठ

CPWD. Hence the order of non payment of salary and regularization Booth 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

30 MAR 2009

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 Sahal

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. GROUNDS 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

Sunendra Nath Sekar

30 MAR 2009

was not implemented prior to declaration of bifurcation ~~order of Eastern Region~~ ^{order of Eastern Region} Guwahati Bench 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 Sahay

30 MAR 2009

The office order of the Executive Engineer dtd. 01.10.2001 signed on 29.09.2001, 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), Mokamaghata 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. Moreso, 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

Sunendra Nath Sahai

130 MAR 2009

गुवाहाटी न्यायपीठ

Guwahati Bench

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 Sahoo

30 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

5.14 For that applicant has rendered work during his stay In Paita 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 Khatua

130 MAR 2009

8.1 That the Hon'ble Tribunal be pleased to set aside and quashed the ~~the अपाप्ती विधि~~ ~~Guwahati Bench~~ impugned office order Mo. O.M No. A22015/38/2002-EC 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 Saheb

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

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 14th day of February 2009.

Surendra Nath Sahay

MOST IMMEDIATE/OUT TODAY

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

F.No. : 21(1)SEC/JEO/ER/CPWD/CAL/2001 / 6190

DATE: 12.7.2001

संघीय प्रशासनिक अधिकारपाल
Central Administrative Tribunal

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	CCED-II/CAL	CCED-II/CAL	Retention granted up to 03/2002
2.	S.K. Basak	CCED-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/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/Deezpur	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-I/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	CCED-II/CAL	CCED-VI (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

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

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

Attested
B. C. Dutta
Addy

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

91
Superintending Engineer (Elect.)

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

(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 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 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

Atreeta
M. Dutta
Adv

Note:

-32A-

30 MAR 2009

1. In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/72/2009- EC - VI dated 9.3.2009, unless otherwise specified, the Junior Engineers under order of transfer and posting shall immediately proceed to the new place of posting and all the controlling officers shall follow the officials under order of transfer 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) is 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 cadre 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 D.G.'s O.M. No. A-22015/8/97 - EC VI dt 06.10.99 and transfer / posting policy as per this office O.M. No 21/1, SE/CPWD/ER/JE (C & E) / CAL/2001/153 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)

Engineering Assistant to Superintending Engineer, Co-ordination

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

Attested
Dutta
Adv

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

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी ब्राह्मण
Guwahati Bench

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) Mokamaghata. The Posting of Mokamaghata 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 ~~xxx~~, 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 - - - - -

Akash
Dutta
Adv

30 MAR 2009

गुवाहाटी खासगांठ
Guwahati Bench

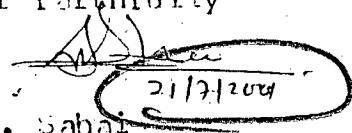
- Patient of Rheumatic and Asthmatic and undergoing treatment at G.C.C.R.P.F. Hospital Mokamaghat. Climatic condition of Silcher being North East zone remains cold and damp almost throughout out the year will not at all suit her and will have detrimental effect on her health and study.

VII. Apart from above my wife is suffering from Gyonic problem since along and she was operated upon for polipoed structure on 26.10.99 at Patna by Dr. Manju Geeta Mishra. Now her body is swelling and ESR has increased considerably. Hence medical officer of G.C.C.R.P.F. Hospital advised 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


21/7/2009
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.


21/7/2009
S.N. Sahai
Jr. Engineer (2001)
M.E.E.S.D. Mokamaghat

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

Government of India
 Directorate General of Works
 Central Public Works Department

केन्द्रीय प्रशासनिक अधिकारण
 Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायालय
 Guwahati Bench

Nirman Bhawan, New Delhi,

Dated the 18th sept, 2001.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:-

1. B I - Eastern Region: Comprising: Sikkim, West Bengal, Bihar 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
 Dutta
 Adw

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

केंद्रीय प्रशासनिक अधिकारी बोर्ड
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

ANNEXURE- 4

(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, Paina- 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
ADW

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

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

Dated :- 14/11/2001

OFFICE ORDER

In accordance with Superintending Engineer(Co-Ord) Circle, C.P.W.D., Calcutta Letter No. 21(1)/SS(C)/JE(c)FR/C.P.W.D., Cal/2001/490 dated - 12.7.2001 and E.E. (S)/PCED/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(S)

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

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

1. M.O.E. & M works of H/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. Mokamagh.
2. M.O.E.I & fans i/c Water pump set/sewage 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(S)

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

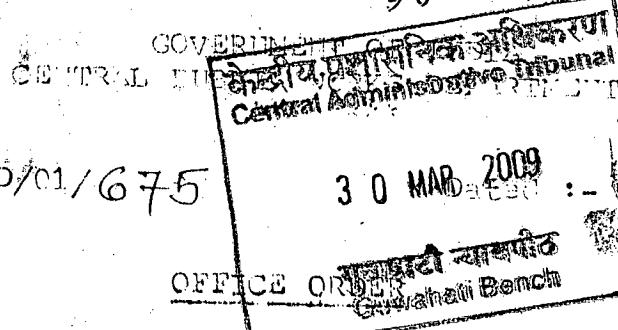
Assistant Engineer (Elect),
Mokamagh Central Elect. Sub-Division,
Central Public Works Department,
Mokamagh

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.

Recd/ 14/11/2001
ASSISTANT ENGINEER(ELECT)

Attested
Dutta
Adv



Annexure-5

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

30 MAR 2009 Dated :-

24.9.2001

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.M. Sahai Junior Engineer(Elect) is hereby relieved from duty to-day A.M. on - 24.9.2001 A.M. from this sub-Division and directed to report to the Executive Engineer(Elect), /MCESD/CPWD/Patna for final releasing from Division level. Shri I.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 ~~unless~~ except if not handed over, in this respect office order has already been ~~issued~~ vide this office letter No. 9(1)/MCESD/01/649 dated - 14.9.2001.

Recd/Gen/9/2001
Assistant Engineer(Elect),
Mokmaghat Central Elect. Sub-Division,
Central Public Works Department,
Mokmaghat

Copy for information to :-

1. The Executive Engineer(Elect), Patna Central Elect. Divisn on, C.P.W.D., Purni Chake, Patna with request to release him finally from his level.
2. The Superintending Engineer(Elect), Patna Central Elect. Circle, C.P.W.D., Patna.
3. Shri Sanjiv Singh JE(E) / MCESD/01/649, ~~as per nomination~~

Recd/Gen/9/2001
ASSISTANT ENGINEER(ELECT)

*Attested
D. K. Paul*

NO. 21(1)/CPWD/2001/ 2145-51

Dated Patna, the 27/9/2001.

FILE COPY.

In pursuance of Superintending engineer, Co-ordination Circle, CPWD, Kolkata office order No. 21(1)/SS(C) JS(S) LR/CPWD/Cal/2001/490 dated 12.7.2001 and consequent release order of S.E(A.S) Mokama vide his office order No. 9(1)/MCSSD/01/675 dated 24.9.2001, Sri S.N.Sahay, Junior Engineer (Electrical) is hereby released 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 प्राविधिक अधिकारी (उत्तराखण्ड)
Central Administrative Tribunal

30 MAR 2009

Executive Engineer (E),
Patna Central Elect. Division,
CPWD, 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, Mokomughat.
5. Assistant Engineer (E), Mokama Central Elect. sub-division, CPWD, Mokomughat with reference to his letter No. 9(1)/MCSSD/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.

D. Bhattacharya
EXECUTIVE ENGINEER (ELECT.)
27/9/2001

Attested
Datta
Adv

GOVERNMENT OF INDIA -40-
CENTRAL PUBLIC WORKS DEPARTMENT

No. 30(1)/PCED/2001/

2205-12

Dated Patna, the 01/03/2001.

Annexure

OFFICE ORDER

In terms of Rate 222-223 of GFR(RGE) 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 ~~to~~ Silchar Central Electrical Division, CPWD, Silchar (H.Q. Imphal) side 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 ~~XX~~ ~~xx~~
Transportation charges of materials. Rs. 21,800/- L.S.

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Affairs

30 MAR 2001

गुवाहाटी न्यायालय
Guwahati Bench

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:-
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.

EXECUTIVE ENGINEER (ELECT.)

K
29/3/2001

Attested
Babu
Adv

Annexure -8

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

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Trib.

F.NO: 21(7)/SE(C)/EN/CPWD/GEN/KOLKATA/2001/ 111

DATED: 20.02.2001

30. MAR 2009

OFFICE ORDER

- 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 directed that all transfer/posting orders of Group 'C' and Group 'D' staff including the staff of 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 brought in alignment 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, Nizam Bhawan, New Delhi w.r.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.

(D. Hore)

Superintending Engineer (Co-ordination)

Attested
Dutta
Adv

ADVISER

To,

The Superintendent Officer In-charge
C.R.A.P. Union Palace, 234/4 Acharya
Bogu Road, 17th Floor, H. C. O. Building
Kolkata-700020 (W.B.)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

30 MAR 2009

Subject :-

REQUEST FOR MODIFICATION OF TRANSFER ORDER
REFERENCE TO S. N. SINGH, JECI.

Guwahati Branch

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.

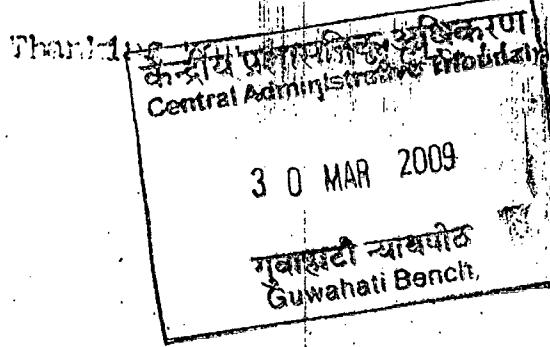
- 1) My transfer order has been issued vide order No. 21(1)/27(C)/JN(C)/52/CTP/Ch/2001/400 dated 12-07-2001. But, no roll over joined upto 21-7-2001 which was the last date of admission in Class-VI and in "A" Part-I. So, my daughter taken admission in Patna in P.A. Part-I and my son also taken admission in Class-VI in "C" section.
- 2) They are reading in Hindi medium. The session of P.A. is three years and when she taken admission in P.A. She has to complete her P.A. in same University otherwise her career will be spoiled.
- 3) Moreover, it is imperative to mention that North Eastern Region has separated from our Co-ordination Region vide letter G(C) No. 0.15/No.14/21/21-NC-JECI dated 12-02-2001. After that I have been relieved on 04-06-2001 to report for duty in Silchar Division which is situated in North.
- 4) Because a JECI can only be posted in his native zone or in a zone where his initial posting was given earlier. Accordingly, my initial posting was in Thukergarh 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 P.A. (C) or by option as asked by department for willingness.
- 5) 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 function when their registration for university Four and Four year have already been made with concerned university and zone.
- 6) It is imperative to mention here that my daughter is a patient of Rheumatic and Asthmatic and undergoing treatment at GC CRR Hospital, Golmarghat. Climatic condition of Silcher being North East zone remains cold and damp almost throughout out the year will not at all suit her and will have detrimental effect on her health and study.

Attested
Dutta
Kav.

vii) Apart from above my wife is suffering from Gynaec problem since long and she was operated upon for polioid structure on 26-10-09 at Patna by Dr. Monju Goota Mishra. Now her body is swelling and WTP has increased considerably. Doctor involved officer of CG, CEP, Hospital, Mokamaqat advised continuous treatment and care for her. If I leave her 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



30 MAR 2009

Yours faithfully

W.D. MOKAMA

(G. H. SAWALI)
J.R. ENGINEER (ELECTRICAL)
MOKAMAGAT CENTRAL ELECTRICAL
SUB-DIVISION, G.F.W.D. MOKAMA

Registered Post with A/D

To,
 The Superintending Engineer (Elect)
 Patna Central Electrical Circle
 C.P.W.D. Rim Jiri 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 Timeline for your kind presual and favourable order please

The AE (E) / MCESD Mokamaghpat issued an offi order vide his No. 9(1) / MCESD / 011649 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)

- MOEI and M Works for HT/LT over head line i/c 5 No Substation, HT Pannel, Street light and Service Connection at G.C.C.R.P.F. Mokamaghpat.
- MOEI and Fans i/c water pump set, Sewarage pump set over head line, street light in Bharat Lalagon Engineering at Mokama.
- 76 Nos. type II newly constructed at G.C.C.R.P.F Mokamaghpat.

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

- R.M.O water pump / Sewarage pump at G.C.C.R.P.F Mokamag
- 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 Mokamaghpat.

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 same day, AE (E) MCESD Mokamaghpat relieved me on.

(Contd)

Attested
 Murtuza
 Adm

24.9.2001 A.N, without handing over of any charges. Because on 24.9.2001 after 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. Patna on 28.9.2001. But they started taking over the charges from 24/10/2001 & 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 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. ~~10 MAR 2009~~
- iii) Rewiring of Barrak No 4 & Barrak 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.I.O. staff quarters for incometax at Purnea (Pvdg E.I & Fans).
- vi) C.I.O. staff quarters for central Excise & custom at Purnea (Providing E.I & Fans).
- vii) Pvdg L.T. distribution, street light & 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.I.O. J.N.V. Shekhpura Providing EI and fans in School building, staff quarters & 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
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 has ~~been discontinued~~ 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.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 Regt B1" and "North Eastern Region B II" by D.G.W.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 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 ~~at~~ already issued but fallen under inter regional category vide his no F.N. 21(7) / SE (co-ord) ER1 C.P.I.I.B1 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 E.E(F) is against my human rights as well as humanity.

Therefore it is humbly requested to kindly place me on posting in Patna or at Muzzafpur 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 maintenance charges only to both the J.E.C.E issued by AEC(E) on 14/9/2001
 (ii) Photo copy of Relieving order issued by AEC(E) on 24/9/2001
 (iii) Photo copy of office order issued on 28/9/2001 by SE (Co-ord) to keep on abeyance all transfer order already issued but fallen in to enter Regional category.
 (iv) 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).

30 MAR 2009

शुल्कहारी न्यायालय
 (Guwahati Bench)

Yours faithfully
 S. N. Saha

25/5/2002

(S. N. Saha)

Junior Engineer (Electrical)

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

Calculation for information & favourable action please.

(ii) The chief Engineer (Ex II) C.P.W.D. Panth Bhawan, Patna for information & necessary action please.

(iii) The SE (Co-ord) Eastern Region B1 under Ex. m.s.o. building 319, Nizam Palace, Patna 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 अधिकार
Central Administrative Tribunal

30 MAR 2009

सुवाहाटी न्यायपाल

Guwahati Bench

Subject:- Request for Posting under Eastern Region (BII) 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 SR (Co-ord) on 21.7.2001, 12.2.2002 as well as
on 23.5.2002 addressed to SE (E), PCED, Patna copy to your good self and also endorsed to others
showing my willingness to remain continue the service in Eastern Region BII.
My representation dated 23.5.2002 also proved that the relieving order issued by AE (E), M.R.S.D
on 24.9.2001 which was received by me and by EE (E), PCED, Patna on 27.9.2001 w.e.f.
24.9.2001 A.N. is not proper. It has also accepted by SR (E), PCED, Patna and no my refusal
issued by him till now.

(ii.) 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 v/s no. 3(X)YPCED/2001-22(3-12
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 (BII). 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
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.

(iii.) 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."

(iv.) Thought 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 their 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 Muzzapharpur, as both places have existing vacancy.
It is also requested that please treat me on duty till further posting in Eastern Region BII. 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.

Copy to:

(i) The Chief Engineer (EZ, II), CPWD, Paul Bhawan, Patna for information and favorable action along with refer to my representation dated 05.3.2002.

(ii) The Superintending Engineer (Co-ord), Eastern Region BI under Eastern Zone in MSO building on 17th floor, Nizam Palace, Kolkata for information and favorable action to issue an order of posting with reference to my representation dated 21.7.2001, 25.3.2002 & 12.2.2002.

(iii) The Superintending Engineer (E), PCBC, CPWD, 7th floor, Indira Bhawan, Patna for information and necessary action with reference to my earlier representation.

Dy. no. 1339
Date 1/7/02
Office of CE(E) Elect-
CPWD Kolkata.

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

Attest
S. N. Sabai
1/7/02

Head Office Central Division
CPWD

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

To,

The Superintending Engineer(Co-ord)
C.P.W.D.Nigam palace
234/4 ANC Bose Road
17th Floor M.S.O 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 27/02/2003.

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.

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
S.N.Sahai

30 MAR 2003

मुख्यमंत्री न्यायालय
Ganguly Bench

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) M.G.E.S.D./01/640 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.

2) 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/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 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.

3) 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.

4) The educational Session is going to restart soon. So an early posting order will help to readmit my children in their school or 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

Part
xxx
211

Yours faithfully

S.N.Sahai
S.N.Sahai JE (E)

M.C.E.S.D. Mokamaghat

C.P.W.D. Mokamaghat

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

S.N.Sahai JE (E)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 MAR 2003

गुवाहाटी बाबापुरा
Guwahati Bench

There will be
no ranks

(Sect-1 - D-2-2)

To :
 The Subsidiary 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.
Series 1

Subject : Request to issue order of posting
 S. N. Sahai JE (E) within Eastern Region (Region B-I)

Ref : My representation dated 21-7-01, 12-2-02, 25-3-02, 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.

केन्द्रीय प्रशासनिक अधिकारी
 Central Administrative Officer

Guwahati Benefit
 Guwahati Benefit

Sir,

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

- 1 - My transfer order was issued vide F.N. 21(1) SE (E) / JE (E) / ER/ C.P.W.D./Cof/2001/490 dated 12-7-2001. But no substitute joined upto 1st week of Sept 2001 and the last date of admission in colleges etc were 31-7-2001 for 1st. and 12-9-2001 for B.A. hence accordingly I admitted my children in Piting in concern classes.
- 2 - After joining substitute AE (E) M.C.E.S.D. discussed with E.C. (E) P.M.S. And A.S.E. (E) P.E.C.C. Pathia 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 (E) as well as some maintenance charge to Shri T.K. Das JE (E). No any instruction to hand over the original works to any JE (E) and verbally he instructed me to complete the original work, further order will issue as there is vacant post of JE (E) 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 14102191 EC - IV (C) dated 18-9-2001 By B.G. (W) S.P. N. D. New Delhi.
- 4 - The AE (E), M.C.E.S.D. Mokamoghat, issued a relieving order on 24-9-2001 A.M. with direction to report the E.C. (E) P.M.S. Pathia 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 (E) was on leave. But still there was no any instruction about the charges of original

Ref

13/09/01

Releved
Date
A.C.

(contd. - page - 2)

5 - Your good chain had issued an office order vide your No 21(G) 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."

6 - Knowing this fact The EECE) P.C.E.D. Patna has received me on 30.9.2001 by making back dating 27.9.2001. W.e.f. 27.9.2001 without sanction transfer T.A/D.A. and without clearing my grievances. Such as arrear increment w.e.f. 1982-93, well as arrear of AE(E) 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 clear my arrear increment and Pay arrements to my C.R.C. A.C. and give me details you have his that I clear and submit assessment of increment for year 1998 but he did not do so till the date. Due to bi-furcation came in existence w.e.f. 18.9.2001 and your office order dated 28.9.2001. No any JEC(E) move for North Eastern Region from Eastern Region without his own will. Only new officer has been sent there to fill the vacancy as well as officer after 28.9.2001. But I am sorry to say I have been submitted my willingness for 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 is always abeyance, so I have worked in MCESD and it can be proved from records. But on 31/10/03 The department has totally stopped my working, because C.R. cell asked my C.R. vide his No 171/31/2003/ 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 AE(E) in C.E.S.D. 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 AE(E) as well as EECE) P.C.E.D. but no result. After that I approached circle office for same and seen that the period for 2001-02 has been tampered. The actual period was 01.4.2001 to 31.3.2002. Which have been tampered on 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 15.1.2002. and

(contd. P 3)

सरकारी प्राप्ति समिक्षा अधिकारी
Central Administrative Officer
Guwahati Bench

30 MAR 2003

and the than ~~is~~ SE(C) PCEC Patna counter signed on 23/5/2008 for same report. These all shows some officials knowingly harassed me, forcing work not giving salary ~~for~~ verification of period (working period)

केन्द्रीय प्राधिकारिक अधिकारी
Central Administrative Tribunal

9 - Due to back slating done by officials as well ~~as~~ on 2008
tendency my entire family suffered for grains ~~my~~ children
Suffers from ~~from~~ proper education, I suffered ~~at~~ ~~Guwahati Bench~~
torture and economically which affects on my health so
I also suffered from proportional ration on the ~~same~~
I know that 22 January 2008 ~~is~~ forwarded letter to C.I.D.
At C.I.D and my information is withheld due to officials
~~play~~ 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 be 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 honor
Please.

Your's faithfully



15/3/2008

(S.N. Saha)

Junior Engineer (Elect)

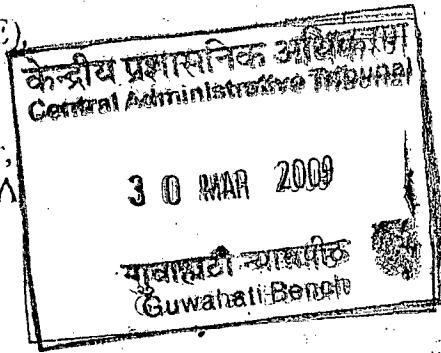
Patna central Electrical Division
e.p.w.d. Patna

My Native Place address
S.N. Saha
c/o - H.P. Shrivastava
At 2 P.O. - Naya Bhopal
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. Patna
Div. No. 233 C
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, Mokamaghata, 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)/P.C.E.C./8002/318
Copy along with its enclosures is forwarded
to Ex-Engr.(E), P.C.D., C.P.W.D., Patna for his information
and furnish necessary copy of the same to the
CE(E) letter so that same may be sent to the
CE(E) Kolkatta.

Please do it in priority.

S/L S.P. Sarker and
11-8-2002

Ex-Engg. (E) (A)
Dy. Dir. Central Steel Circle
Patna (E) (A) (D)

dictated
Ruttan
Adv

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
COORDINATION CIRCLE (ER)
2ND MSO BUILDING, NIZAM PALACE 17TH 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/CAI/2004/ 327

30 MAR 2009

Stamp: *Central Public Works Department
Guwahati Bengal*

31/5/2009

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.

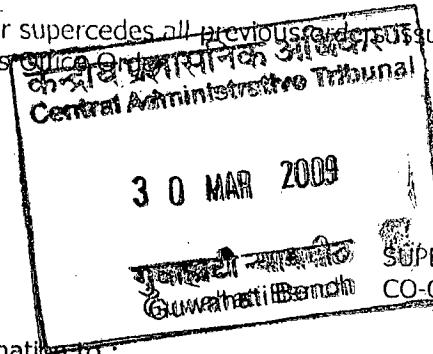
Note:

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
Dutta
Adv

1. 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 Order.



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.K. 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 20TH 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

*Attended
Dhruva
P.D.W.*

Special Panel

NO. 8(4)/GCEC/E-I/2004/ 1182
 GOVERNMENT OF INDIA
 Central Public Works Department
 GUWAHATI CENTRAL ELECTRICAL CIRCLE
 Nirman Bhawan, P.O. - Bamunmaldan, 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,
 9th floor, Bettiing,
 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(104)/SE(Co-ordn)/ER/CPWD/CAL/2004/327 dt.31/05/2004 of SE Coordination Circle(EZ),C.P.W.D., Kolkata -20 as received from SE(P&A) B 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-ADM/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.

Enc: As stated above.

Copy to:-

Ch *Chenay*
SE *Superintending Engineer (Elect.)*

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

Ch *Chenay* *8/10*
Superintending Engineer (Elect.)

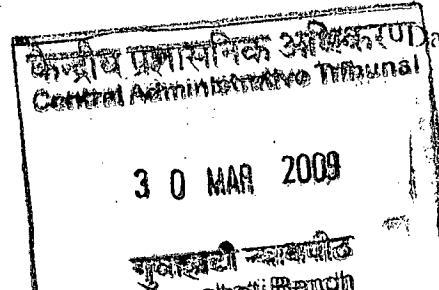
*Attached
Mukta
4/10*

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 : segecc@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.

Enclo. one

Upadhyaksh
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.

Enclo. Ass'ttnd above

Upadhyaksh
Executive Engineer(E)P&A.

*Abelited
Dutta
Adw*

Government Of India
Central Public Works Department
No:- 21(1)/PCEB/2004/2188

Dated

4/11/2004
4/11/04

To

The Superintending Engineer (E),
Guahati Central Elect. Circle,
Nirman Bhawan, P.O.-Bamunimaidan,
Guahati - 781021.

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

Ref:- Your letter No. 8(4)/GCCEC/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.f. from 24.09.2001 A.M. vide T.O. No. 21(1)/PCEB/2001/
2145-51, 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), E.I., Kolkata with reference to SE(E),
GCCEC, CPWD, Guahati letter No. cited above.
- (2) The Superintending Engineer (E), Patna Central Elect. Circle,
CPWD, Patna with reference to his No. 8(3)/GCCEC/2004/1424,
dated 19.10.2004 and even No. 598, dated 2.12.2004.

EXECUTIVE ENGINEER (E).

Affected
Dutta
now

To

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

Central Administrative Tribunal
Guwahati Bench

30 MAR 2009

Guwahati Bench

(THROUGH PROPER CHANNEL)

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

Ref:- Your letter dated 22-12-2004 along with copy of reply of EE (E) PCEL, Patna vide his No. 21(1)/PCEL/2004/2188 dt. 04/12/04 in respect of SE (E)/GCSC 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), PCEL, 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)/PCEL/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/CPNL/GEN/Kolkata/2001/714 dt. 28/9/2001 to keep in abeyance all the transfer order which has been already issued from his office but fall as inter regional transfer, the then AE (E), MCESL, Kakamaghat and the then EE (E), PCEL, 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, PAU 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 E.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)

Attested
Abdulla
Ade

Verificated

2. d. Various preliminary details along with action plan detail estimate to ₹8 for P/S as well as several correspondence letter has been sent by EE(E), PWD, Makamaghat to client department in my handwriting.

In reply of question No.2 the EE(E), PWD, Patna said that when Shri S.N.Gahoi, JE(E) has been relieved from this division for that period does not arise.

a) On this point I would like to ask, if I division relieved me on 24.9.2004 then how they made payment to contractors supplier on the basis of measurement records by me after 24.9.2001. How they accepted booking of O.E.B.C. verification of PAO Memo, there all are financial matter I did not understand what is hesitation of division to accept the facts and re-leasing my salary for that period while they have taken work from me.

b) In light of above fact the transfer order issued by Suptdg. Engineer(Co-ord) vice order No.21(104)/CE/Co-ord LR/CPWD/Cal/2004/327 dt. 31/5/2004 from PWD, Patna to Guwahati Central Elect. Division No-II. Accordingly I approached to the EE(E)/PWD, Patna to re-relieve me because after 24.9.2004 I performed work that ever 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 GCD-II on 09.7.2004.

In light of above facts I hope that the LE(E), PCLL, Patna will understand the facts and there is no any hesitation to him in re-releasing my ~~and~~ ^{and} for the period 01.10.2001 to 30.06.2004.

Yours faithfully,

(S.N.Sahai)
Junior Engineer(L)
O/o. Executive Engineer(E)
CERDII,CPB, Guwahati-15.

Copy to:-

1. The Chief Engineer(E), EZ, CPW, Kolkata with reference to EE(E), PCEL, Patna via his letter No.21(1)/PCEL/2004/2188 dt. 04/12/04
2. The Suptdg. Engineer(E), Patna Central Elect. Circle, Patna with reference to EE(E), PCEL, Patna letter No.21(1)/PCEL/2004/2188 dt. 4/12/2004 for information.

S. H. Shah, Jr. (L)

60 104/00
 GOVERNMENT OF INDIA
 PATNA CENTRAL ELECTRICAL CIRCLE
 CENTRAL PUBLIC WORKS DEPARTMENT
 7TH FLOOR, INDIRA BHAWAN
 WEST BORING CANAL ROAD
 PATHNA 800 001
 PHONE / FAX: 0612 - 2222233 / 2207004.
 Email: sepcc@gmail.com

ANNEXURE-17

No. 8(3)/PCEC/2006/ 983

केन्द्रीय प्रापासाधिक अधिकारण
 Central Administrative Tribunal

Date: 27/07/2006

To,
 The Chief Engineer (E) ER
 CPWD, Kolkata.

30 MAR 2009

गुवाहाटी न्यायालय
 Guwahati Bench

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. 937/97-Admn. Vol. VIII-A dated: 25th July 2006.

On the above subject I am enclosing herewith the copy of letter no. No. 21(1)/PCED/2002 dated: 17/9/2002 by the Executive Engineer (E), PCED, Patna to Superintending Engineer (E), PC CPWD, Patna. Along with two letters of the AE (E), MCESD, Mokamaghata.

The Second Para of the above letter is reproduced.

Now there are no charges with Sri Sahay. No work what so ever are being taken by Sri S.N. Sahai claimed by him. Never neither verbal nor any written order has been given to Sri Sahay to do any either by the undersigned or by AE (E) Mokamaghata. So the claim of Sri Sahay is false. There is no in such claims.

In the above context, as per the above referred letter of the Executive Engineer (E), PCED, I 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 informat

Encl: As above.

Agarwal
 Superintending Engineer
 Patna Central Elect. Circ
 CPWD, Patna

Copy to:

Shri S.N. Sahai, JE (E), Mokamaghata

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

CE (E) / PR

May
July

Superintending Engineer

Attested
Dutta
A...

Government of India
Central Public Works Department

- 21(1)/PCED/2006/01/1

ANNEXURE-18

Dated 27/07/2006.

To

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

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 MAR 2009

Sub:-

Request for posting of Shri ~~Govind Singh~~ 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(1)/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)/~~प्रकाशनी~~/2002/346, dated 06.7.2002
- (6) Letter No. 21(1)/~~प्रकाशनी~~/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), Mokanaghata
Central Elect. sub-Division, CPWD, Mokanaghata 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.

Copy (7)
Encl: - 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), Mokana Central Elect. sub-Division,
CPWD, Mokanaghata. 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
Ranita
P.D.W.

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

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

To,

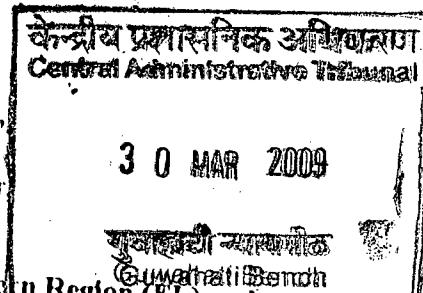
The Superintending Engineer (E),
Patna Central Electrical Circle,
CPWD, Indira Bhawan, 7th Floor
Patna-800 001.

Sub:

Request for posting under Eastern Region (ER) and release of my salary since oct. '2001.

Ref:

(1) CE(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



17/09/2002

In the light of above referred letters, it is intimated that AE (E) Mokamaghpat was asked to clarify the facts vide this office even file no. 346(B) 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) Mokamaghpat has clarified:-

1. Sri P.K. Pal JE (E) joined in place of S.N. Sahay JE (E) at Mokamaghpat. 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) Mokamaghpat. So the claim of Sri Sahay is false. There is no truth in such claims.

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

Copy to:-

1. The AE (E), MCESD, Mokamaghpat. w.r.t 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
Dutt
Ad

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

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

10

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

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

Ref

Your office letter No. 2444-10

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

Dated: 23.7.2002

30 MAR 2009

गुवाहाटी नामाखण्ड Guwahati Benot

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. Sabey, JE (E) to hand over his all charges to Sh. P.K. Paul & maintenance work first so that Sh. P.K. Paul can take over.

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 (R) 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. Sabay, JE (E) was re-leave 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 changes between all 3 JE (E) as Sh. T.K. Das was also involve in maintenance work.

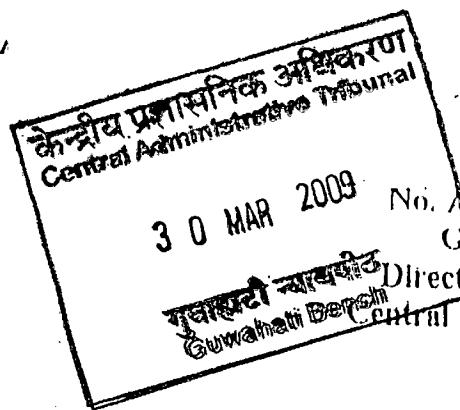
Further I am to say that it is obvious that if a person is transferred he has to handover his all charges to his successor, AE (E) has no authority to allow a JE (E) to keep his some charges with him though he has been re-joined by them.

St. → R. K. P. Singh,
Assistant Engineer (E). 23/7/2002
Mokamaghlat Central Elect. Sub-Div.,
C.P. W.D., Mokamaghlat

Attested
John H. S. [Signature]

SI 10 106 (P)

ANNEXURE - 21



OFFICE MEMORANDUM

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

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-Admn. 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).

(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.

Attested
Banta
Sahai

File No. 1805
Date 17/9/06
U.G. (Elect.), B.Sc., M.Sc., M.Tech.
O/o Chief Engineer (EZ), CPWD, Kolkata

On File

17/9/06

929 28/7/06

Out Today
Speed Post

No. 9/37/97-Admn./Vol.VIII-A
केन्द्रीय प्रशासनिक अधिकारी (परिषद)
Central Administrative Tribunal
Government of India
The Chief Engineer(E)EZ
Central Public Works Department
234/4, A.J.C. Bose Road

30 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Nizam Palace, Kolkata-20
Dated the September, 2006

OFFICE MEMORANDUM

Subject: Request for posting of Shri S.N.Sehai, JE(E) under Eastern Region (B-I) 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.Sehai, JE (E) does not arise. However his period of absence from duty etc. may be regularised as

GCEC, Guwahati is requested to take necessary action accordingly under PCEC, Guwahati as well as DGW. Original reports & letters as received from SE(E),

Enccl. As above


T.K. Das
Deputy Director (Admn)
For CE (EL) EZ

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

Copy to:

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

274 misc

collected
Dutta
for

For CE (EL) EZ

✓ P.M.J. 28/7/06
Anil

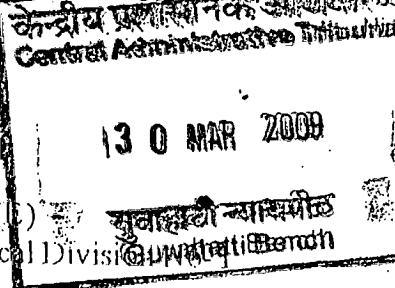
Annexure 23

S/1
11/01/06

Immediate

No: 8(4) GC/CE/ E-1/2006 / 382
GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

GUWAHATI CENTRAL ELECTRICAL CIRCLE



Dated, Guwahati the 10/01/2006

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

Sub: Request for posting of Shri S. N. Sahai, JE (E) under Eastern Region (B- 1) 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 DG (W). In this regard, the copy of CE (E) EZ OM No. 9/ 377/ 97- Admin. / 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.

Enc: As stated above
(Photocopies 12 nos.)

✓ 1/10/06
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/ 377/ 97- Admin. / Vol. VIII- A dated 21-9- 2006 please

✓ 1/10/06
Superintending Engineer (Elect.)

Attested
Dutta
Adv

(Typed true copy)

Annexure- 24

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

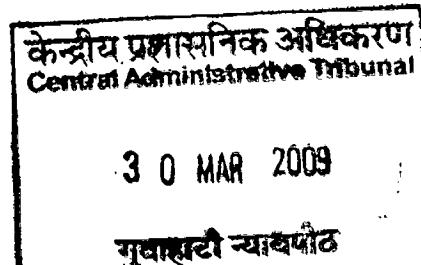
e-mail : ged 1@sify.com
 Phone : 0361-2550315
 Fax: 0361- 26554390

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

Dated, Guwahati the 6/11/2006

To,

Shri S.N. Sahai,
 Assistant Engineer (Elect.)
 CCESD, 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 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.)

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), CCEC, 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
 Shri
 A.D.W.

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

e-mail : ged1@asify.com

Phone : 0361-2550315

Fax: 0361 - 2654390

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

To

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

dated Guwahati, the 30/3/2006
केन्द्रीय प्रशासनिक अदायक बैठक
Central Administrative Tribunal

30 MAR 2006

गुवाहाटी न्यायालय
Guwahati Bench

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 SE (E), GCEC vide letter No. 8(1)/GCEC/E-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. I
CPWD, 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(1)/GCEC/E-1/2006/382 dated 10-10-2006
and even file No. 1508 dated 26-10-2006.


Executive Engineer (Elect.)

*Attested
Dutta
Fdr*

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

No.

To

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

Dated:

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal

30 MAR 2008

गुवाहाटी न्यायालय
Guwahati Bench

(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. 21/03/06.

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 hereby 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 want to EE (E)/ PCED, Patna in 3rd week of Feb'2002 and told him neither you paid me transfer amount to move nor you paying my salary. Then he told me "you will be regularize him, wait" 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

Attested
Dutta
B.D.W.

30 MAR 2009

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 letter no. 9(I)/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(I)/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(I)/MCESD / 01/649 dt. 14/09/2001. He also accepted in his letter vide No. 9 (I)/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 posting of JE's.

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

I ~~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 accepted and release my salary for above said period please.

केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal
30 MAR 2009
गुवाहाटी बाह्यकारी
Guwahati Bench

Yours faithfully

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

Copy to:

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

Submitted to ELE Head Clerk at 1:50pm on 16/12/06
16/12/06

(S. N. SAHAI)

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

105
e-mail : ged1@isify.com
Phone : 0361-2550315
Fax: 0361 - 2654390

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

Dated, Guwahati the 18/2/2007

To,

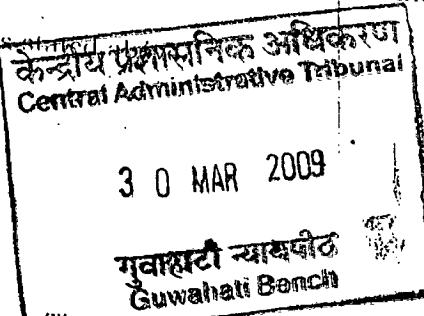
The Chief Engineer (Elect.),
CPWD, MSO Bldg.
EZ, Nizam Palace
Kolkata - 20.

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 09-07-2004 for further necessary action at your end.

Encl.: A



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).

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

Period 1/3/01
92/103

Executive Engineer (Elect.)

A. H. S. D.
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.

Sub:

Regarding posting under Eastern Region (B-I) 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.

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
Dutta
Add

Guwahati Bench
Government of India
Guwahati Public Works Department
GUWAHATI ELECTRICAL DIVISION No. I
Nirman Bhawan, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@vifly.com
Phone : 0361-2550315
Fax: 0361 - 2654390

No.8(2)/GED-I/E-I/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 31st 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.

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

To,

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

Copy to :-

1. The C.E (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-I, CPWD, Guwahati - 21 for making necessary entries in the service book of Shri S.N. Sahai, AE (Elect.).
5. The JAO, GED-I, CPWD, Guwahati - 21 for information.
6. Personal file No. 15(54)/GED-I of Shri S.N. Sahai, AE (Elect.).
7. File No. 12(2)/GED-I/E-I/2007 for record.

Executive Engineer (Elect.)

Attested
Dutta
ADN

108

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

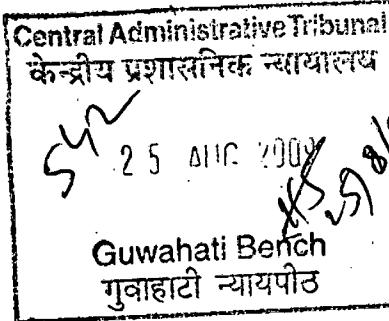
Court Officer, Sri Surendra Nath Sahai

----- Applicant

- Vs -

Union of India & Others

----- Respondent



INDEX

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

Received
Myself
25/08/09

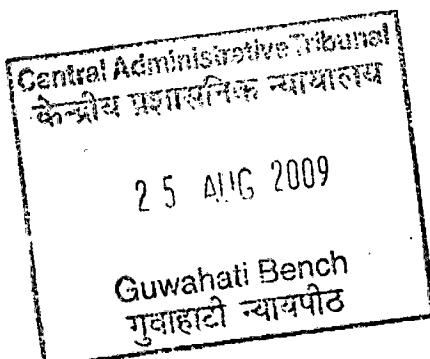
102

	f) Revised transfer order No. 21(104)/SE(Coord)/ ER/CPWD/CAL/2004/ 327 DATED 31.05.2004 is annexed here as		19 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 *SD*
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 Dhirej Bhattecharyya.....
S/o.....late R. C. Bhattecharyya working as
Executive Engineer (E) P&A, CCEC 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

20/8/2009
Executive Engineer (E) P&A
Guwahati Central Elec. Circle
C.P.W.D., Guwahati-21

*Filled by the
Respondents
through
Rankam Das
Add C.G.S.C
25-8-09*

SV
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.

En. Nagiwarao
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

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.

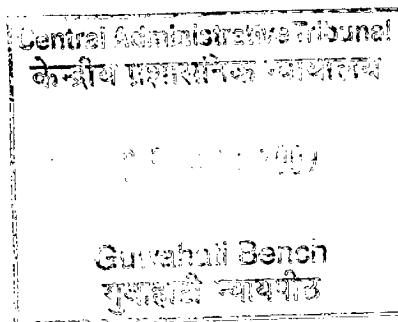
(vii) The case of Shri Sahai does not fall in the above category since he had been already relieved from the Sub-Division office on 24.09.2001 and his reliever had already joined there. This was much before cut off date specified by SE(Coord)ER i.e. 28.09.2001. Therefore, there was no need to modify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

En. Naveen

Executive Engineer (S) P&A
Guru Nanak Devi, Chhota
C.P.T.O., Chhatarpur-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.

(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.

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

(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.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 AUG 2009
Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

(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

Shri. Nasiruzz
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.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक व्यवस्थापन बोर्ड

25.10.2009

Guwahati Bench
गुवाहाटी न्यायपोठ

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."

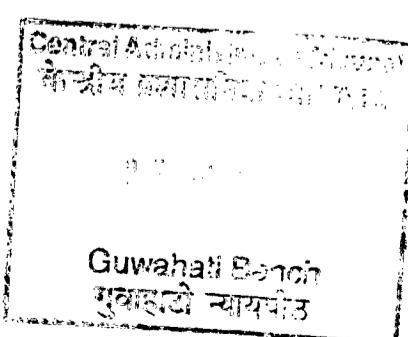
All representations were sent directly to SE(Coord.) without routed through proper channel

Sh. Nageswar
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.

Ex. No 122222
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21



- 10 - 89

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

El. 7/2009

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

Central Administration, Guwahati
केन्द्रीय प्रशासनिक व्यायाम

25 AUG 2009

Guwahati Bench
गुवाहाटी न्याय

- 11 - ७०
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

Sh. N. G. Deo

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2004

Guwahati Bench
गुवाहाटी न्यायालय

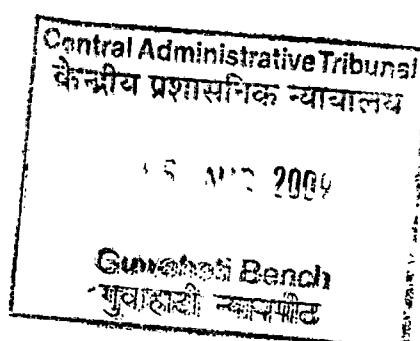
explained in para 4.19 and 4.24. Since a persons has not performed any work, how can he be paid. The office under whom he claimed to have worked, have given report that neither he had done any work nor he was asked to do any work for the period in question."

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.

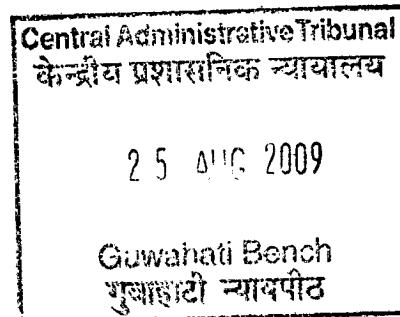
16. That this written statement has been made bonafide and for ends of Justice and Equity.

Sub. No. 122222
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21



-13- 92
122

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



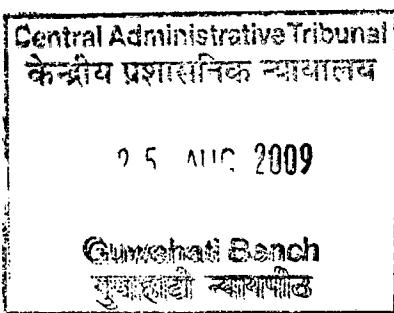
Ex. No. 12000
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21

VERIFICATION

93

I Dhirej B. Battacharyya..... Son
of Late R.C. B. Battacharyya aged about 41 years
resident of SC Road, Kumarpore, 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, are true to my knowledge,
belief and information and those made in para
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.....



Sh. Nageswar,

Deponent

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

MOST IMMEDIATE/OUT TODAY
Office of the Superintending Engineer, Co-ordination, CPWD, Eastern Region,
Nizam Palace, Kolkata - 700 020.

2101/SEC/DEO/BR/CPWD/CAI/2001/490

DATE: 32.7.2001

94

OFFICE ORDER

The Chief Engineer, 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	CCED-IV/CAI	CCED-IV/CAI	Retention granted up to 03/2002
2.	S.K. Basak	CCED-IV/CAI	CCED-V/CAI	Vice Satish Trinidhar
3.	Probir K. Paul	CCED-IV/CAI	PCED/PATHA	Vice S. N. Saha
4.	Arun K. Addhyal	CCED-IV/CAI	GCED- I/GUWAHATI	Vice Dilip Deka
5.	B.S. Saha	CCED-III/CAI	CCED-III/CAI	Retention granted up to 03/2002
6.	Sulji Tarafdar	CCED-V/CAI	SCED/Silchar (I.Q. Imphal)	Vice S. N. Dey
7.	H.P. Chakraborty	CCED-IV/CAI	CCED-IV/CAI	Vice R.K. Roy (Already Transferred)
8.	U.K. Mondal	CCED-IV/CAI	SCED/Silchar (I.Q. Imphal)	Vice M. K. Biswas (Already Transferred)
9.	S. N. Saha	PCED/Patha	SCED/Silchar (I.Q. Imphal)	Vice A. Chakraborty (Already Transferred)
10.	B. C. Datta	CCED-V/CAI	PCED/Patha	Vice B. Chaudhury (Already Transferred)
11.	Dilip Deka	CCED-I/Guwhati	CCED-IV/CAI	Existing Vacancy
12.	Debenbata Das	CCED-IV/CAI	CCED-IV/CAI	Vice Subrata Ghosh
13.	Mukul Chandra Das	CCED-III/CAI	CCED-IV/CAI	Vice Debnabata Das Vice Mukul Chandra Das
14.	Subrata Ghosh	CCED-IV/CAI	CCED-IV/CAI	Retention granted upto 03/2002
15.	T.K. Nanda	CCED-IV/CAI	RCED/Ranchi	Retention granted upto 03/2002
16.	B.K. Biswal	RCED/Ranchi	SCED/Silguri	Vice B. C. Datta
17.	A.B. Kundu	SCED/Silguri	CCED-VI	Vice A. K. Bhattacharya (Already Transferred)
18.	B. Bhattacharjee	CCED-II/CAI	(I.Q. Durgapur)	Vice P. K. Paul Vice Kallol Mukherjee
19.	Kallol Mukherjee	CCED-IV/CAI	SCED/Silchar (I.Q. Imphal)	Vice P. K. Paul Vice Kallol Mukherjee
20.	S. Saha	GCED-I/Guwhati	CCED-IV/CAI	
21.	S. N. Dey	SCED/Silchar (I.Q. Imphal)	CCED-IV/CAI	

B.C. Datta
Superintending Engineer, Co-ordination/ Director of Works

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

Central Administrative Tribunal
कानूनी प्रशासनिक न्यायालय

25 AUG. 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Executive Engineer (E) P&A
Guwahati Central Elect. Circle
11, R.P.W.D. Bldg., Guwahati - 781 011, Assam, India

Guwahati Central Elect. Circle
11, R.P.W.D. Bldg., Guwahati - 781 011, Assam, India

Attested
Dr. N. G. Datta

Attested
Superintending Engineer (Elect.)

In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/7/2001/EC-VI dated 9.8.2001, 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 follow the officials under order of transfer and the earliest, without waiting for submittal, 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, can be brought to notice of the Director General of Works for taking action against the defaulting controlling officers.

2. Whenever a Junior Engineer (Electrical) is 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 officer. This has become necessary to avoid regularization of waiting period of Junior Engineers (Electrical).

3. Due to increase in the normal cadre of staff stations, it is very likely that there will be more vacancies in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to send the joining reports of Junior Engineers concerned with their transfer, submit their joining report in form, if somehow they want to say, they may take up the same in consultation 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, if unavoidable, from their joining their new places of posting and the relief of such officials should not be withheld 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 Payroll of Junior Engineers (Electrical) may begin from the date of joining the post, if pay and allowances as per O.M. No. A-22015/8/97-EC-VI dt. 9.8.2001, and latest Pay and Allowance Order No. O.M. No. 27/1/SE 6/CPWD/GRU/JE (C & E)/GAL/2007 dated 16.3.2007, dt. 23/7/2007.

(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

HEAD Office of the Superintending Engineers, Co-ordination, Under Deptt. of Civil, Bureau of Planning, Policy & Planning, D-99/1029

Central Administrative Tribunal
केन्द्रीय प्रशासनिक स्थायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

- 17 -

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, 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	Kalol 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 Kalol 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

K. M. D. S.
S. N. Dey

25 AUG 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ9/1
-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 intaking 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 procedure/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
S. Roy
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-2

GOVERNMENT OF INDIA

CENTRAL PUBLIC WORKS DEPARTMENT

S.O. 101/CEWD/01/675

Dated : -

- 1 -

OFFICE ORDER

In accordance with Superintending Engineer, Central Circle, C.P.W.D., Muzam Palace, Calcutta letter No. 58 (3) / J.E.(1) ER/CEWD/Cal/2001/490 dated - 12.7.2001 Shri S. K. Gaharwar, Junior Engineer(Elect) is hereby relieved from duty to-day A.M. i.e. on - 24.9.2001 A.M. from this sub-Division and directed to report to the Executive Engineer(Elect), J.E.PD/CEWD for furthering his Division level. Shri I. K. Paul, J.E.(1) 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 R. K. Paul, J.E.(1), immediate successor if not handed over in this respect office order has already been ~~desire~~ vide this office letter No. 9(1)/CEWD/01/649 dated - 14.9.2001.

Recd 15/9/2001
Assistant Engineer(Elect),
Guwahati Central Elect. Circle,
Central Public Works Department,
Guwahati

Copy for information to :-

1. The Executive Engineer(Elect), Fat-a Central Elect. Divided on C.P.W.D., Fumai 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. S.O. 101/CEWD/01/675/01/08/2001

FIC/SP/10/2001
ASSISTANT ENG. (ELECT)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

95 A.C. 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

Dr. N. G. Deka

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

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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 releasing 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.)
Mokamaghhat Central Elect. Sub-Division
Central Public Works Depart
Mokamaghhat

Copy for information to :-

1. The Executive Engineer (Elect.), Patna Central Elect. Division C.P.W.D., Punai Chake, Patna with request to release 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.)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

Attested
et. M/s Viree
Executive Engineer (E) P&A
Guwahati L. for Ecl. C
Gopu M.D.U. Guwahati-2

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-21-
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CENTRAL PUBLIC WORKS DEPARTMENT

16.9(1)/CPWD/01,

OFFICE ORDER

In accordance with Superintending Eng. C. P. W. D., Calcutta letter No. 21(1)/88(C) dated 17.7.2001 and E. E. (E) CPWD letter No. 21(1)/CPWD/2001/1841 dated 26.9.2001 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 & Zern 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. H. Sahay to Shri T. K. Paul JE(E)

1. M.O.E. & B works of H/LT over head line i/c S Nos. subm. 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 sewage pump set, over head line street lighting at Bharat Udyog and Engineering Co. at Mokamaghat.
3. 75 Nos. type-II, Quarters family construction

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

1. R.M.O. water pump/sewage 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 Department,
Mokamaghat

Copy to :-

1. The Executive Engineer(Elect), Patna Central Elect. Division, C.P.W.D., Punni Chake, Patna - 23 for information please.
2. Shri S. H. 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

9.6.2002/2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested
Ex. No. 12345

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

101
-22-

TYPED TRUE COPY

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

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.

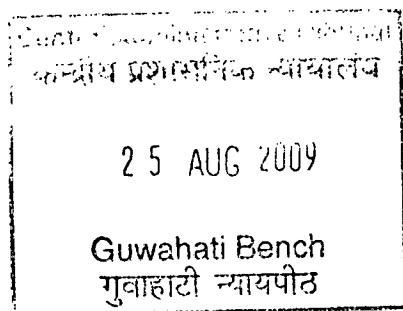
C: From Shri S.N. Sahay to Shri T.K. Das, JE(E)

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.



*Attested
Ex. - AMR/2001*
Executive Engineer (E) PWD
Sub-Divisional Central Elect. Circle
C.P.W.D., Guwahati-2

GOVERNMENT OF INDIA
C. N.T.R.C. PUBLIC WORKS DEPARTMENT

No. 21(1)/C.P.W.D./2001/ 51145 5/ dated Patna, the 24/9/2001.

QUELLE Q.B.B.D.

In pursuance of Superintending Engineer, Co-ordination Circle, CRWD, Kolkata office order No. 21(1)/SN(C) JSA(B) 12/CPWD/2001/490 dt. 12.7.2001 and consequent teleive order of A.O.(E) Mokama vide his office order No. 9(1)/MCEDB/01/675 dated 24.9.2001, Sri S.N.Sahay, Junior Engineer (Electrical) is hereby released from this division with effect from 24.9.01 and with direction to report for duty to the Executive Engineer (E), Bilkhar Cent. Elect. Division, CPWD, Bilkhar (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, CRWD, Kolkata with reference to his letter No. quoted above.
2. Superintending Engineer (E), Patna Cent. Elect. Circle, CPWD, Patna.
3. Executive Engineer (E), Bilkhar Cent. Elect. Division, CPWD, Bilkhar (H.O. Imphal).
4. Sri S.N.Sahay, Junior Engineer (E), through Assistant Engineer (E), Mokama Central Elect. Sub-division, CRWD, Mokameghat.
5. Assistant Engineer (E), Mokama Central Elect. Sub-division, CRWD, Mokameghat with reference to his letter No. 9(1)/MCEDB/01/675 dated 24.9.2001. He should have directed the Junior Engineer to report duty to the Executive Engineer (E), Bilkhar Cent. Elect. Division, CPWD, Bilkhar (Imphal) directly instead of this division on per order of Superintending Engineer (Co-ordination).
6. Bill Clerk, Patna Central Elect. Division, CRWD, Patna.
7. Pay & Accounts Officer, CRWD, Kolkata-20.

1/1/2001
EXCUTIVE ENGINEER (ELECT.)

Administrative Tribunal
प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

Attested

21- Aug-2009

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

- 24 - 103

TYPED TRUE COPY

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

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

Dated 27-09-2001

OFFICE ORDER

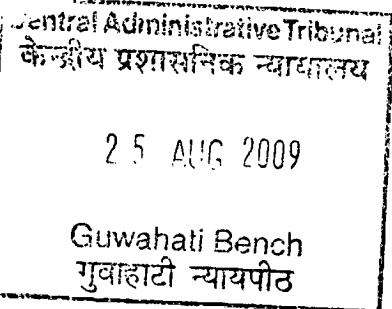
In pursuance of Superintending Engineer, Co-ordination Circle, CPWD, Kolkata office order No. 21(1)/SE(C)/JE(E)ER/CPWD/Cal/2001/490 dated 12.07.2001 and consequent relieve order of AE(E) Mokoma vide his office order No. 9(1)/MCESD/01/675 dated 24.09.2001, Shri S.N. Sahay, Junior Engineer (Electrical) 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
Dr. N. D. Lecce

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

— 25 —
Amidune II (8)

Executive Engineer (E)
Guwahati Central Electrical Division
P.W.D. metro bridge Patna

Through proper channel.
Transfer Advance. T. A and Transfer grant.

In accordance with Sub-Intending Engineer, Co-ordination
S.E. (C) / Seco / ER / C PWD Cal. / 2001 / 490 dated 12/2/2001

I have been transferred from Mokameh Central Electrical
Subdivision to Imphal Central Electrical Subdivision under
Shillong Electrical Division.

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

- (1) Transfer grant as per my basic pay Re 8300/-
- (2) T. A. for Self - To 2 fro - 2 times @ 150/- dy & 600/-
- (3) T. A. for 3 adults from Mokameh to Shillong.
@ 150/- each — 450/-
- (4) D. A. for 4 Nots for 3 days @ 150/- dy — 1800/- 273/-

Transportation charge of materials

by Full truck as per entitlement.

From Mokameh to Imphal — 15000/- *

26/9/2001

Total = 35606/-

Yours faithfully

S. D. Bhattacharya
22/9/2001

1000/Cico
26/9/2001
10/-

27,300
.80/-
21,840
30,150/-
S. D. Bhattacharya
21,800/-

Attested

25 AUG 2009

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

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

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 my 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/-

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/-

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

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपोठ

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)

Guwahati Be
गुवाहाटी

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 Easter 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.

*Alt & also
er, m/s/rev*
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21

(D.Hore)

Superintending Engineer (Co-ordinator)

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

Through proper channel

Sub-1- Request for cancellation/modification of transfer order
Sir,

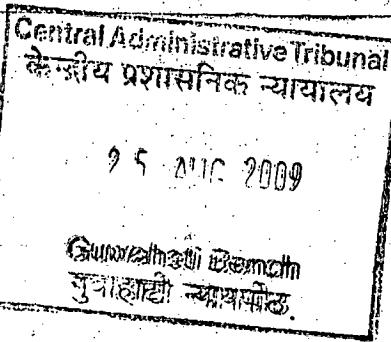
With due respect I beg to lay down following few lines for your kind perusal and favourable orders.

- I. That in the month of April '91, I got 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) Mokomughat. The Posting of Mokomughat was not as per my choice.
- II. I serve in B.F.R. work in K.C.D. in year 2000,8,91 and at that time the posting in B.F.R. circle was counted as hard area, due to this 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/ 492 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 juncture 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 children are in

Arrested

Ex. Neg. / re

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



30
109
139

- Patient of rheumatic and asthmatic and undergoing treatment at G.C.C.R.P.F. Hospital Mokamghat. Climatic condition of Silchar being North East zone remains cold and damp almost throughout 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 polioduct structure on 26.10.99 at Patna by Dr. Manju Meeta Mishra. Now her body is swelling and BSH has increased considerably. Hence medical officer of G.C.C.R.P.F. Hospital advise 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

S. N. Sohail
Jr. Engineer (Electric)
Mokamghat Central
Electrical Sub-division
C.P.W.D. Mokamghat.

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 pursue.

S. N. Sohail
Jr. Engineer (2001)
M.C.E.S.D. Mokamghat

Central Administrative Tribunal
संघ-प्रदीप प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

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

110
Tribal Reservation

The Superintendent, Co-Ord-Circle
C.P.W.D. Bikan Palace, 234/3 Acharya J.C.
Rosa Road, 17th Floor, N.C.O. Building
Kolkata-700020 (W.B.)

Subject :- REQUEST FOR MODIFICATION OF TRANSFER ORDER 'T.T.I.
REFERENCE TO S. NO. 10144/2001.

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

- 1) My transfer order has been issued vide order No.
21(1)/SC(C)/T.T.I./R/07/01/2001/400 dated
12-07-2001. But, no relieved joined upto 21-7-2001
which was the last date of admission in Class XI
and in 2001-02 my daughter taken admission
in P.T.U. in Dibrugarh and my son also taken
admission in State-XI in Science.
- 2) They are residing in Dibrugarh. The reason of
P.T.U. in three years and when she taken admission
in P.T.U. she has to complete her P.T.U. in same
University otherwise her career will be spoiled.
- 3) Moreover, it is imperative to mention that North
Eastern Region has separated from our Co-ordination
Region vide No. D.O.(W) 16 D.M. No. 34/21/CL-EC-IV(C)
dated 12-02-2001. After that I have been relieved
on 24-02-2001 to report for duty in Silchar Division
which is inimicable with me.
- 4) Because a junior can only be posted in his native
zone or in a zone where his initial posting was
given earlier. Accordingly, my initial posting
was in Phulenagar in Orissa and my native place
is in Dibrugarh 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.
- 5) 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 Board and Board
Exam have already been made with concern university
and zone.
- 6) It is imperative to mention here that my daughter
is a patient of Rheumatic and Asthatic and
undergoing treatment at IC CARE Hospital,
Kokrajhar. Climatic condition of Silchar being
North East zone remains cold and dry almost
throughout the year will not at all suit her
and will have detrimental effect on her health
and study.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

Attested

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

vii) Apart from above my wife is suffering from Chronic problem since long and she was operated upon for polypoid structure on 26-10-00 at Patna by Dr. Monju Goswami. Now her body is swelling and P.D has increased considerably. Once medical officer of R.C. Govt. Hospital, Mokamahat advised continuous treatment and care for her. If I leave this 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 in anticipation.

Yours faithfully

(S. H. SARKAR)
J.D. (EXTE) ELECTRICAL
MOKAMAHAT CENTRAL ELECTRICAL
CIR. DIVISION, C.P.W.D. HOKAMA

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

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

Regd. Post mkt. A/D

Superintending Engineer (Elect.)

no. Central Electrical Circle

C.P.W.D. Rimi Tirth building

Joyadev 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) / MCESD Mokarnaghat issued an offi
order vide his No. gen / MCESD / 01619 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) MUE I and M Works for H/LT over head line ilc 5 No
Substation, HT Panel, Street light and Service Connection
at G.C.C.R.P.F. Mokarnaghat
- ii) MDEI and Fons ilc water pump set, Sewarage pump set
over head line, street light in Bharat Inagor Engineering
at Mokarna
- iii) 76 Nos. type II newly constructed at G.C.C.R.P.F
Mokarnaghat.

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

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

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
the same day, AE (E) MCESD Mokarnaghat relieved me on.

(contd)

Central Administrative Tribunal

ચન્દ્રાંગ્રામાણિક ન્યાયાલય

25 AUG 2009

Guwahati Bench
ગুৱাহাটী ন্যায়ধীষ

Attested
Ex. No. 121/2009
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 on him he relieved me under pressure of SE (E) P.C.E.C. no. Hence the handing over of charges was not possible within four hours. However, I handed over the above said charges to shri T.K. Das on 25.9.2001 and to shri P.K. Po SE (E) 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 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 date.

- i) Construction of 28 Nbs. type III Qtrs. for staff at G.C.C.R.P.F Mokarnaghat.
- ii) Providing Fluorescent fittings in type I, II, III, IV, V, & ADI (P) Banglow at G.C.C.R.P.F Mokarnaghat.
- iii) Rewiring of Barak No 4 & Barak No 5 Jawan Barak at G.C.C.R.P.F. Mokarnaghat.
- iv) Construction of office building for incometax department at Purnea (Providing E.I & Fans).
- v) C.I.O staff quarters for incometax at Purnea (Pvdg E.I & F).
- vi) C.I.O staff quarters 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.I.O T.N.V Shekhpura Providing E.I and fans in School building, staff quarters & 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)

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

(3)

-46-

W.O.F. 24.3.2001 A.N. But, they did not issue any order to hand over the above charges to any S.E(E). Hence, I continued working though my payment has been stopped by E.E(E) / P.C.E.D. Patna w.e.f. Oct 2001. In March this 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 Ishii 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 handing over of works mentioned in Part 2(ii) 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 B3 has been bifurcated into two Region "Eastern Reg B1" and "North Eastern Region B2" by D.G.Rivide No. 14.2. EC dated 18.9.2001 but I have not received that letter.

However, I went ~~Kolkata~~ Kolkata on 12.2.2002 to 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 by fallen under inter regional category vide his no. F.N. 21(7) / S (Co-ord) ER/C.P.W.B1 CEN 11/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) / E.E(E) mentioned above w.e.f 24.9.2001 was not proper. It was only in part myself and my (contd.)

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

in hardships due to non receipt of salary. Because I can only bread earner for my family.

Therefore the action of E.E(E) is against my human rights as well as humanity.

Therefore it is humbly requested to kindly place me on posting in Palna or at Muzzapherpur 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.

Enclosed Photo Copy of Office order to hand over the maintenance charges only to both the EECs issued by AEC(E) on 14/9/2001
 ii) Photo Copy of Relieving order issued by AEC(E) on 14/9/2001
 iii) Photo copy of office order issued on 28/9/2001 by SE (Conc.) to keep on abeyance all transfer orders already issued but fallen in Eastern Regional category.
 iv) Photo copy of Representation on submitted by my self on 12/2/2002 in office of SE (Conc.) showing my willingness to remain in Eastern Region (B1).

Yours faithfully

S. N. Sahai
28/9/2001

(S. N. Sahai)

Junior Engineer (Electrical)

Meconam Central Electrical Substation (B1)
C.P.W.D. Mokamaghat

Copy to:-
 i) The chief Engineer (Elect), C.P.W.D. M.S.O. building, Nizam Plaza.
 ii) The chief Engineer (E.Z II) C.P.W.D. Panth Bhawan, Patna for actioning
 of necessary action please.
 iii) The SE (Conc) Eastern Region B1 under E.Z. M.S.O. building, Nizam Plaza.
 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

28/9/2001

Central Administration Institute
केन्द्रीय प्रशासनिक स्वायत्त

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Accepted

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

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

Subject: Request for Posting under Eastern Region (B1) and release of my Salary since Oct., 2001.

III.

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 addressed to others showing my willingness to remain continue the service in eastern Region B1. My representation dated 23.5.2002 also proved that the reliving order issued by AE (E), ARBESD on 24.9.2001, which was received by me and by EE (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 query refused issued by him till now.
- (ii.) The EE (E), PCED, Patna had granted Rs. 30,100.00 (Rupees Thirty thousand One hundred only) to me towards Advance grant & T.A. D.A. for Imphal vide his no. 3(X)Y/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 (B1). 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 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 transferred for posting in "PATNA" against D. Mukherjee, 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.
- (iii.) The EE (E)/AB (E) also told me to complete 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 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)/UE(E). They are taking work from me but without my signature and telling, "Your handwriting will become proof of your working."
- (iv.) 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 their 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 B1. 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 much carrying the govt. works conveniently.
- (v.) For your early action I shall be oblige to your honor please.

Your faithfully

Sd/- S.N. Saha
(S.N. Saha) 2.9.10/2002
Junior Engineer (Elect.)
Mokamoghat Central Technical Sub-Divn.,
CPWD, GC, CRPF, Campus, Mokamoghat.

Central Administrative Tribunal
केन्द्रीय न्यायालय

15 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

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

Copy to:

(i.) The Chief Engineer (E.I.I), CPWD, Pan Bazaar, Patna for information and favorable action
please with refer to my representation dated 05.5.2002.
(ii.) The Superintending Engineer (Co-ord), Eastern Region III under Eastern Zonal MSO building
on 17th June, Bismillah Kothi, 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), PCNC, CPWD, 7th Floor, Indira Bhawan, Patna for
information and necessary action with reference to my earlier representation.

Inv. no 1339

Date 1/7/02

Office of E.I.I, CPWD

Bismillah Kothi

(Allied)

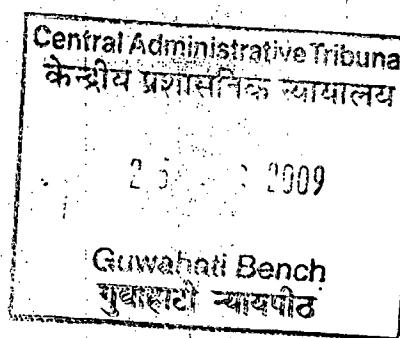
Head Office

Central Electrical Division

Patna Central, Patna

Central, Patna

91
(S.N. Sahai)
Junior Engineer (Elect.)



Attested

Ex. No. 12345

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

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 w.e.f 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 revised 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 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 thief 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 Muzzapherpur, as both place have existing vacancy. It is also requested that please treat me on duty till further posting in Eastern Region B I. 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

(S.N. Sahai)

Junior Engineer (Elect.)

Mokamaghhat Central Electral Sub-Division
 CPWD, GC, CRFP, Campus, Mukamaghhat

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

Guwahati Bench
 गुवाहाटी न्यायालय

Attested
 S. N. Sahai
 Executive Engineer (E) P&A
 Guwahati Central Elect. Circle
 C.P.W.D., Guwahati-2

141

119 - 40r

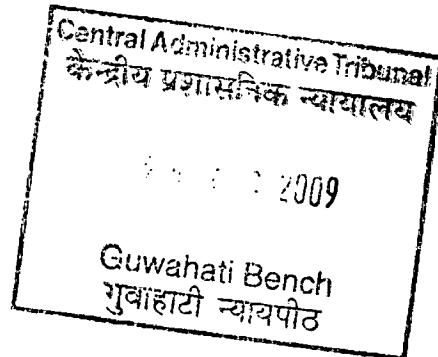
TYPED TRUE COPY

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 17th 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 7th Floor, Indira Bhawan, Patha for information and necessary action with reference to my earlier representation.

(S.N. Sahai)

Junior Engineer (Elect)



*Attested
S. N. Sahai*

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

TO,

The Superintendent Engineer (Civil-ord)
C.P.W.D. Guwahati
234/4 MC House Road
17th Floor N.G.O. Building
Fol. No. 700020 W.H.

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 goodself for executable orders please.

1) After issue of an office memo No. 14/2/01 EC JV (C) dated 14/9/2001, by D.G.(V) C.P.W.D. 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) P.C.E.D. Fatua after final handing over of charges vide office order L.O. 9(1) N.G.E.S.D./01/64 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. Fatua (without subdivision of my report) to report in Shilchar which Division is not existing in Eastern Region BI is against D.G.(V) 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 as 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 Mokameghat to Imphal which is inter-regional Category was not implemented so far and in this regard SE(CC-ord) has also issued an office order vide his No. 21(7)/SE(E)(c)/EIV/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 BII) and vice versa already issued but not implemented so far shall be kept in abeyance with immediate effect till further order" The copy of same also indored to EG.(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) 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 with in the Region BI. So the said amount will not require. Accordingly he paid me only Rs 21800 in Division office, not through subdivision office.

IV) The educational Session is going to restart soon. So an early posting order will help to readmit my children in their school or 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.

Annexure - 9
(See P)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested
Ex-128/2009
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21

Yours faithfully

S.N. Sahai JE (E)
M.C.E.S.D. Nokamaghat
C.P.W.D. Nokamaghat

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

S.N. Sahai JE (E)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23-12-1909

Guwahati Benach
गुवाहाटी न्यायालय

(Central - Reg. No. 1)

of the

En. No/1200

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

To

The Superintending Engineer (Co-ord)
 CPWD Nizam Palace
 17th 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.

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

25 AUG 2009

Guwahati Bench
 गुवाहाटी न्यायालय

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 B I and North Eastern Region B II, 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 B I 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 B I 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 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 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
 At - Nizam Palace*

S. N. Sahai JE(E)

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

The Superintendent Engineers (Circ. & C)
Co-ordination Circle, Kolkata
234/1 Acharya S.C. Bose Road
11th Floor, M.S. Bldg. (B.T.)
Kolkata - 700020

Annexure - 7
Serial

Subject - Request to issue an order of posting in regard
S. N. Sthal (J.E.C.E) within Eastern Region (Region B.T.)
Ref: - my representation dated 21-7-01, 12-2-02, 25-5-02,
20-6-02, 21-7-02, 29-11-02, 22-2-03, 12-5-03
22-7-03 and 32-11-03.

Sir,
With due respect, in continuation of above representation once
again I lay down the following facts lines - for your consideration
and favorable order please.

1. My transfer order was issued Vide F.N. 21(1) SE (c) / TE (c)/
ER/ C.P.W.D./Cay 2001/130 dated 12-7-2001. But the Substitute
joined upto 1st week of Sept 2001 and the last date of admission
in colleges are 31-7-2001 for I.Sc. and 12-9-2001 for B.A.
Hence accordingly I admitted my children in Patna in concern
Colleges.

2. Being S.Astl. At (C) I had discussed with C.P.W.D.
on 31-7-2001 about Patna and visited an office order 11A 9(1)/
M.C.H. / 01/6/1 dated 19-9-2001. In hand over only maintenance
charge to Shri P.K. Paul (E.C.E) as well as some maintenance
charge to Shri T.K. Das (E.C.E). No any instruction to
hand over the original works to any J.E.C.E. and verbally he
instructed me to complete the original work, further order
will issue as there is vacant post of J.E.C.E under B.C.S.
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 11/02/111, E.C.-B.C.E.C. dated 18-9-2001 By D.G.C.W.
C.P.W.D. New Delhi.

4. The AE (E), M.C.H. S.D. Mokamghat, issued a following order on
21-9-2001. A.M. with direction to report the E.E (E) B.C.E.C. Patna
after handing over the maintenance charge for which all ready an
office order was issued on 19-9-2001. Because M.C.H. is 15-9-2001
to 23-9-2001. Shri P.K. Paul (E.C.E) was on leave. But after still
there was no any instruction about the charges of original
work. (Circle - Page - 2.)

Central Administrative Tribunal
संघीय प्रशासनिक न्यायालय

25-11-03

Guwahati Bench
गुवाहाटी न्यायपीठ

Arrested

Off. No/2000

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

Yours good chain had issued an office order under your no.
SECO (S) / P.R / C.P.W.D. G.C.E.C. Kolkata / 2001/11/28/ 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,
shall be kept on, effective with immediate effect
further order."

Knowing this fact, The EEC(E) P.C.E.C. Patna has issued one an
order by referring back dating 27.9.2001. W.e.f. 27.9.2001. A
Division Transfer T.A.D.A and without delaying my grievances,
which are already implemented since 1992 as well as issue of order
W.e.f. 1991 to August 2001 and (Tour) travelling Allowance
1999 to 2001.

I have already represented to EEC(E) P.C.E.C. to postpone
fear enforcement and any amendments to my C.P.C. 116 and
the date of my transfer is 1st of October and minimum a maximum
of fifteen days year wise but he did not do so till the date.

7- Due to bi-divisional change effective in order 18 of 2001 and your
office order dated 28.9.2001. Not being able to move from North Eastern
Region from Eastern Region without the own will. Only more officer
has been sent. Hence to fill the vacancy in North Eastern after 28.9.2001.
Today I am hereby to say I have been submitted my willingness for
to remain on Eastern Region (Region B.I) and given many 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 work, and Transfer order
left is always abeyance, so I have worked in M.C.E.C. and it can
be proved from records. But on 31/10/02 the department has
totally stopped my working, however C.P.C. coll naked any C.R.
vide his no 110/11/31/2003/ JE / P.R. coll New Delhi alt 26.10.2003
which has received by EEC(E). The same has been received by me
on 12/11/2003 through 1E (6) in C.E.C. 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. coll. Then I
approach to the than 1E (6) as well as EEC(E) P.C.E.C. but no result.
After that I approached circle office for same and from that
period for 2001-02-03, first transferred the actual period
01-3-2001 to 30-9-2001 has been transferred on
1-10-2001 to 30-9-2001. It has also been checked by 1E (6) P.C.E.C. verified
in Period 01-1-2001 to 31-12-2001. Both is 1-2003 and
(contd. p-3)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25.11.2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

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

and the than B. SE (E) DCB C. Patria countersigned on 23/10/2008 for same report. These all shows that some officials knowingly harassed me, delaying work not giving salary, wrong information of period (posting period).

Due to basic cheating done by officials as well as harassed me tendency my entire family suffered for grains. My children suffers from from proper education. I suffered due to mental torture and economically which affects on my health. I also suffered from promotional cancer. Sir, I came to know that 28 Juniors are promoted from B.E (E) to AE (E) and my promotion is withheld due to officials 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 demand 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

Your's faithfully

15/3/2009

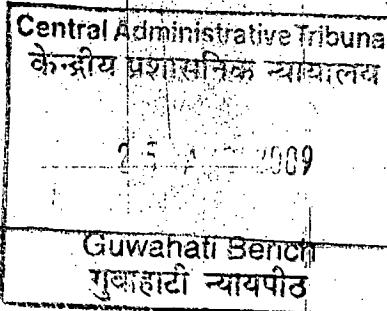
(S. M. Saha)

Junior Engineer (Elect.)

Patria Central Electrical Division
C.P.W.D. - Patria

My Native Place address

90/11 P. Srinivasan
At 2 P.O. Nagerbhog (D)
Sisist - Buxa 22
Bihar



Attestation

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

26
47
2001

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NIZAM PALACE, 17TH 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 Engg. (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 Mokamaghata Elect. Sub-Division under Patna Central Electrical Division was transferred to North Eastern Region vide this Office Order No. 21(1)/SE(C)/JE/ER/CPWD/Cal/2001/490 Dated 12/07/2001. His reliever, P.K. Paul joined PCED on 14-09-2001 and 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-1) and North Eastern Region (Region B-11) on 10-09-2001, it was ordered vide this Office order of ex. no. 714 dated 20-09-2001 that all transfer/posting order of JE's already issued but not implemented till 28-09-2001 should be kept in abeyance till further order.

(i) 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-1. Right 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.

(ii) Shri Sahai has already represented 7-8 times to get a new posting order under Region B-1 and his case has already been sent to CE(Elect.), ER for a suitable decision as chairman of the Hard Case Committee vide this office letter No. 21(1)/SE(C)/ER/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.

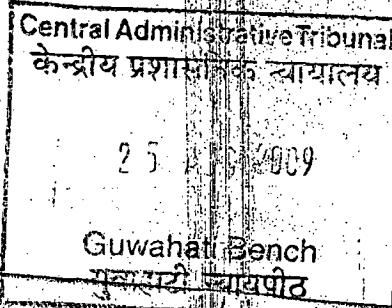
In view of the above, a suitable decision about his new posting order within Region B-1 and payment of arrear salary may please be conveyed to this Office at an early date.

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-Ordn.) order Dt: 28-09-2001.

R.Das

(U.K. DAS)
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER),
C.P.W.D., KOLKATA.



Attested

Ex. No. 1200
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21

GOVERNMENT OF INDIA
 CENTRAL PUBLIC WORKS DEPARTMENT
 OFFICE OF THE SUPERINTENDING ENGINEER
 COORDINATION CIRCLE (ER),
 2ND MSO BUILDING, NIZAM PALACE, 17TH 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-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, JE(E), who was working as JE(E) in Mokamaghhat 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 the he had not join at Imphal (NE Region) and represented for posting under Region B-I. Right now no modified posting order has been issued to him and one new appointee 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-1 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 praved 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 convéyed to this Office at an early date.

Enclosed:

1. Representation of S.N. Sahai Dt. 25-05-2002.
2. Copy of Releive 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

*Attested
B.K. DAS
25/05/2002*
 Executive Engineer (E) P&A
 Guwahati Central Elect. Circle
 C.P.W.D., Guwahati-21

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 25/05/2002
 Guwahati Bench
 गुवाहाटी न्यायपीठ

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

No. 21(101)/SE(Co-ordn.)/ER/CPWD/CAL/2001/ 327

Dated: 31/5/2001

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
I.	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.

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

21/5/2001

Guwahati Bench
 गुवाहाटी न्यायपीठ

Attested
 21/5/2001
 Executive Engineer (E) P&A
 Guwahati Central Elect. Circle
 C.P.W.D., Guwahati-21

57- 20- 50

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 Engineers mentioned in this Office Order.

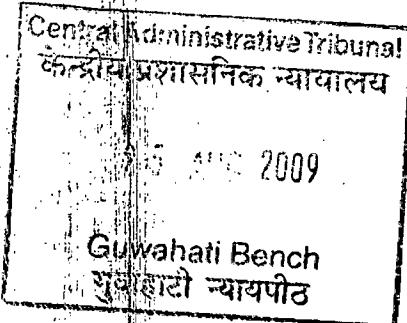
(B.K. DAS)
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

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.

Below

SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).



Arrested

et. Reg/Recd
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-2

SPEED-POST

GOVERNMENT OF INDIA
 PATNA CENTRAL ELECTRICAL CIRCLE
 CENTRAL PUBLIC WORKS DEPARTMENT
 7TH FLOOR, INDIRA BHAWAN
 WEST BORING CANAL ROAD
 PATNA - 800 001
 PHONE / FAX: 0612 - 2222233 / 2207004.
 Email: sepcec@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: 25th 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, Mokamaghata.

The Second Para of the above letter is reproduced.

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) Mokamaghata. So the claim of Sri Sahay 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.

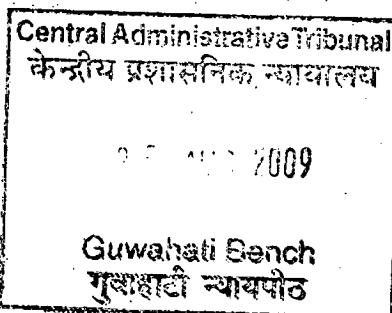
Encl: As above.

(AS ad.)
 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.

DECEMBER
May day
Superintending Engineer (E)



Tested
 Bdr. No. 1200
 Executive Engineer (E) P&A
 Guwahati Central Elect. Circle
 C.P.W.D., Guwahati-21

37
270 (W)

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, 7th Floor,
Patna - 800 001.

Sub:

Request for bonding under Eastern Region (ER) and release of my salary since oct. '00.

Re:

(1) CPWD, ER Letter no. 9/37/2/ADM/C/1/17 dated 10/07/2002

(2) X561/14/1/1/21(1) / PCED / 2002 / 318 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) Mokamaghata 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) Mokamaghata has clarified:

1. Sri P. K. Pal JE (E) joined in place of S.N. Sahay JE (E) at Mokamaghata. 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) Mokamaghata. So the claim of Sri Sahay is false. There is no truth in such claims.

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

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

Copy to:

The AE (E), MCESD, Mokamaghata, w.r.t. his letter mentioned above.

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

Central Administrative Tribunal
केन्द्रीय उपराजनीक न्यायालय

25 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

Attested

Sd/ N. D. Deka
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-2

162

Government Of India
Central Public Works Department
No:- 21(1)/PCED/2006/1041

Dated 22/07/2006.

-53-

132

220(1)

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)/PCEC/2006/9481 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(1)/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)/पट्टा.टि.सी.सी./2002/346, 15/7/2002, 06.7.2002
- (6) Letter No. 21(1)/पट्टा.टि.सी.सी./2002/184, 15/7/2002, 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), Mokmaghat
Central Elect. Sub-Division, CPWD, Mokmaghat 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.

Copy(7)
Encl:- Six(6) nos. in two sets.

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

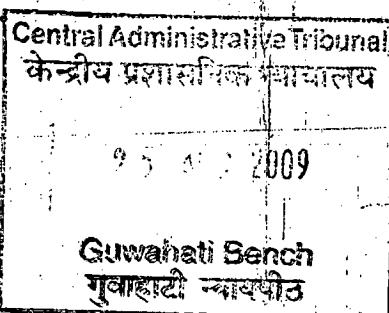
EXECUTIVE ENGINEER (E) :-

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

Attested

Dr. N. N. Nazeer

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



GOVERNMENT OF INDIA
O/O SUPERINTENDING ENGINEER (E)
PATNA CENTRAL ELECTRICAL CIRCLE
CENTRAL PUBLIC WORKS DEPARTMENT
7TH FLOOR, INDIRA BHAWAN
WEST BÖRING CANAL ROAD
PATNA - 800 001
PHONE / FAX: 0612 - 2914028 / 2222233.
Email: sepccc@gmail.com / sepccc@sify.com

Mo. 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, AJC 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. 26/1/98/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, Mokamaghata) 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.

V. Agarwal/115
Superintending Engineer (E)
Patna Central Electrical Circle
CPWD, Patna.

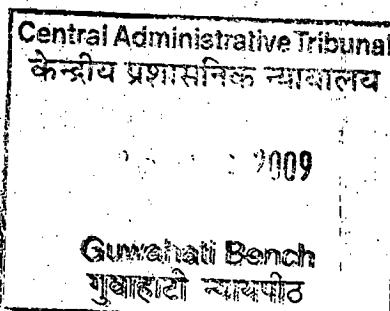
Copy to:-

1. The Executive Engineer (E), PCED, CPWD, Patna for information with reference to his letter no. 1673 dated 11/05/2009.

20/5/09 Executive Engineer (E) P&A

After recd

21/5/2009
Executive Engineer (E) P&A
Guwahati Central Elect. Circle
C.P.W.D., Guwahati-21



- 55 -
164
134

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

21(1)/PCED/2002/ 362

Dated: 17/09/2002

The Superintending Engineer (E),
Patna Central Electrical Circle,
CPWD, Indira Bhawan, 7th floor,
Patna-800 001.

Request for posting under Eastern Region (ER) 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) Mokamaghāt 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/2002/856 dated 23.07.2002 and even file no. 891 dated 11.09.2002, AE (E) Mokamaghāt has clarified :-

(1) Sri P.K.Pal JE (E) joined in place of S.N.Sahay JE (E) at Mokamaghāt. 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) Mokamaghāt. So the claim of Sri Sahay is false. There is no truth in such claims.

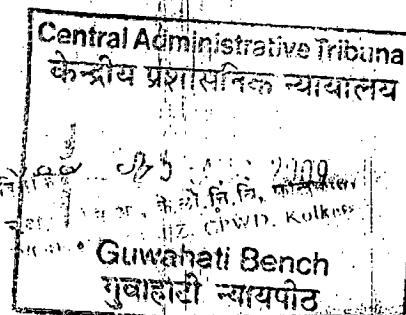
1: Both the letters of AE (E) Mokamaghāt.

by to:-

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

O/C
Executive Engineer (E),
Patna Cent. Elect. Div.
CPWD, Patna.

(A/C)
Executive Engineer (E),



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

135-2791
165

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, Purnichak, 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 a order accordingly.

Hence a order was made by this office for maintenance work i/o 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-leave 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-leave by them.

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

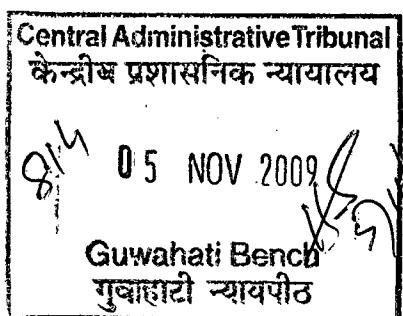
Guwahati Bench
गुवाहाटी न्यायपीठ

2002

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

136

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. Datta, advocate
 on 05.11.09.100

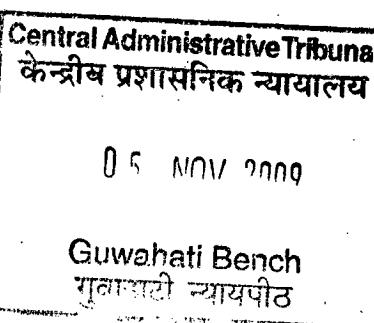
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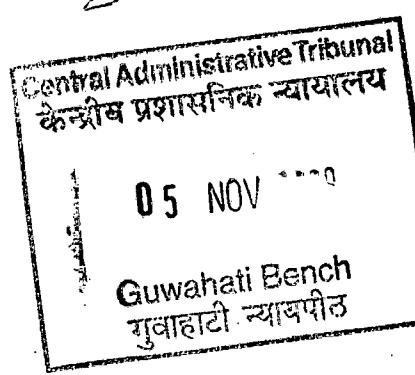
including work charged staff should be bifurcated accordingly, and allotted to the above 2 regions on as-is-where-is-basis. Therefore, question of releasing the applicant after 18.02.2001 does not arise at all on the face of the order dated 18.09.2001. The order dated 24.09.2001 are void ab initio. Hence, 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.



Sivendra Nath Saheb

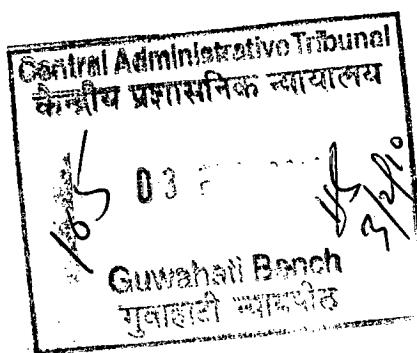


VERIFICATION

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 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 -

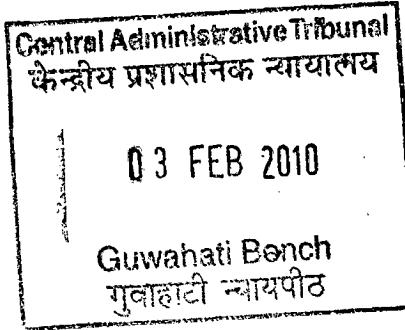
Union of India & Others
----- Respondent

INDEX

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 proper
 date
 through
 Kankar 09
 Add'l C. in S.C. in
 C.A.T. 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

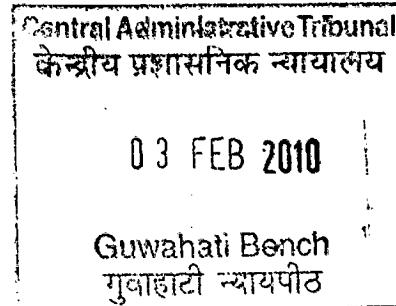
IN THE MATTER OF

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:-

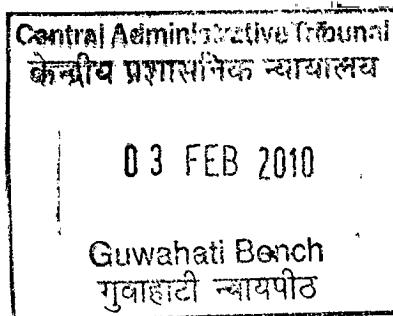
1. That, I Sri Dhiraj Bhattacharuya working as Executive Engineer (E) P&A and Respondent No. 4 in the above case and I have gone through a copy of the rejoinder served on me and have understood the contents thereof. Some and except whatever is specifically admitted in the reply of this rejoinder the contentions and statements

Received
 Date
 03.02.10



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 1 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



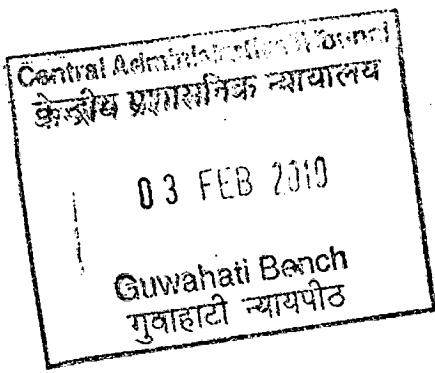
before 28.9.2001 was not required for revisiting.

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.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

03 FEB 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

VERIFICATION

I, Dhiraj Bhattacharyya

Son of Late Romesh Ch. Bhattacharyya aged about 42 yrs resident of SC. Road, Kumarpara, Guwahati working as Executive Engineer (E) P.L.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 1 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

Dhiraj Bhattacharyya
Deponent

Executive Engineer (E) P.L.A
Guwahati Central Elect. Circle
CPWD, Guwahati-31