

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO. 24/95

MISC PETITION NO. _____ (J.A. NO. _____)

REVIEW APPLICATION NO. _____ (J.A. NO. _____)

CONT. PETITION NO. _____ (J.A. NO. _____)

Dr. I. Hussain

APPLICANT(S)

VERSUS

U. O. I. & ors.

RESPONDENT(S)

Mr J. L. Sarkar

Advocate for the
Applicant.

Mr. M. Chanda

Advocate for the
Respondents

CGSC

Office Note

Court Orders

This application is in
form and within time.
C. F. of Rs. 50/-
deposited vide
IPO/BK No. 882901
Dated 31.1.95

for to no 16/2/95
for [signature] (1)

17.2.95

Learned counsel Mr J.L.Sarkar moves this application on behalf of Dr Ikram Hussain, a civilian officer now working as Chief Medical Officer, 29 Assam Rifles, Kohima, Nagaland. This application is against the order of transfer contained in Annexure-E to the application moving the applicant from 29 AR to 13 AR. Learned Sr. C.G.S.C Mr S.Ali is present and receives copy of this application. Heard counsel of the parties.

The grievance of the applicant is against the transfer from 29 AR to 13 AR. This application has been submitted by the applicant only on 16.2.95 during the pendency of disposal of representation dated 23.1.95 submitted by him to the Respondent No. 3. In this ~~xxx~~ representation the applicant has made his prayer for reconsideration of the order of transfer aforesaid on the ground of

2

OFFICE NOTE

2

COURT ORDERS

17.2.95

children education, on the ground of his health and on the ground of his construction of house as he is nearing retirement. On these grounds he had requested for posting to Dimapur and Shillong. Alternatively, if that cannot be granted he may be reverted back to his parent department i.e. Central Health Service and till then he should be retained in the present posting in 29 AR. The application has been filed during the pendency of his representation. The application is therefore disposed of with a direction that the respondents will dispose of the representation dated 23.1.95 expeditiously. The applicant is at liberty to approach this Tribunal again if he is aggrieved by the order. Pending disposal of the representation by the respondents the implementation of the transfer order vide Annexure-E insofar as it relates to the applicant is stayed.

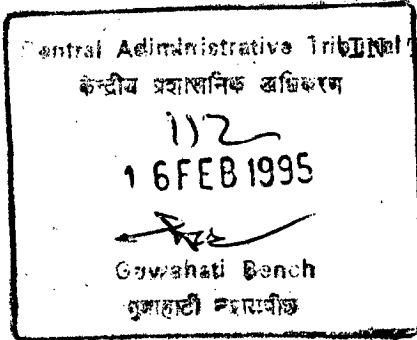
The application is disposed of with the above direction.

Copy of this order may be furnished to the counsel of the parties.

30.3.95
Copy of order dtd.
17.2.95 issued to all
concerned by Regd. Post
and their command also
vide S/No. 1517-1522
Dtd. 5.4.95.

[Signature]

[Signature]
Member 17.2.95



THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Filed by the applicant-
through M. Chandra.
Advocate.

An application under section 19 of the Administrative
Tribunals Act, 1985.

O. A. No. 24 /1995

Dr. Ikram Hussain

..... Applicant

-versus-

Union of India & Ors.

..... Respondents

I N D E X

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1.		Application	1-12
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Received copy
Sae.
Sr. C.S.C.
12/2/95

Filed by :

(Signature)
(MANIK CHANDA)
ADVOCATE

16 FEB 1995

Guwahati Bench
गुवाहाटी बेंच

2

1. Particulars of the applicant:

Dr. Ikram Hussain

Chief Medical & Health Officer (S.G.)

29, Assam Rifles, Kohima,

Nagaland.

2. Particulars of Respondents :

1. Union of India,

through Secretary, Govt. of India

Department of Health,

Ministry of Health & Family Welfare,

New Delhi.

2. Director, General,

Govt. of India,

Department of Health

Under the Ministry of Health and Family Welfare,

New Delhi.

3. Director General,

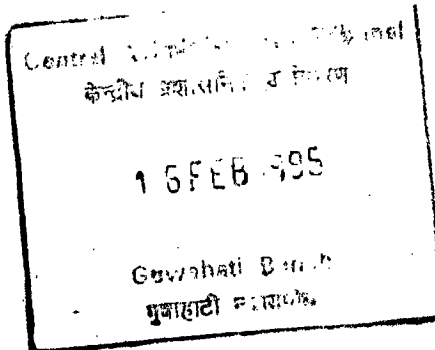
Headquarter of Directorate General,

Assam Rifles,

Shillong-793001.

3. Particulars for which this application is made :

This application is made against the transfer and posting order of the applicant from 29 Assam Rifles, Kohima, Nagaland to Naginimara, 13 Assam Rifles, Nagaland and also with the prayer, either to accomodate him to



his choice place of posting or to revert to his parent department of health under the Govt. of India, Ministry of Health Services and Family Welfare as the term of Defence Service is over, long back in terms of appointment order issued under letter No. A.12025/97/72-CHSII/ Govt. of India, Ministry of Health and Family Planning dated 31.1.1972.

4. Limitation :

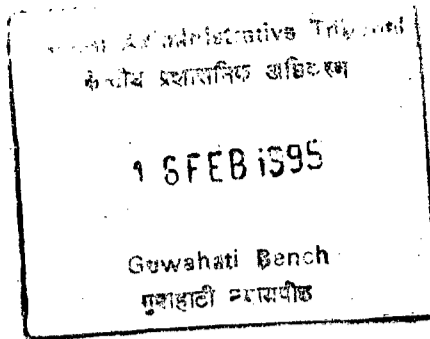
That the applicant declare that the application is within limitation prescribed under the Central Administrative Tribunals Act, 1985.

5. Jurisdiction:

That the applicant further declare that the application is within jurisdiction of this Hon'ble Tribunal.

6. Facts of the case :

1. That the ~~applicant~~ applicant is a citizen of India as such he is entitled to all the protection and privileges guaranteed by the Constitution of India. The applicant was appointed by the Govt. of India North East Frontier Agency administration on 4th August, 1969 vide letter No. MED/M/30-69/9 dated 24.9.69 on ad-hoc basis and posted at Tuensang, Nagaland in the interest of public service under 8th Battalion, Assam Rifles. The service of the applicant was regularised vide Ministry of Health and Family Planning, Govt. of India letter No. A-12025/97/72-CHS-II of 31.1.1972

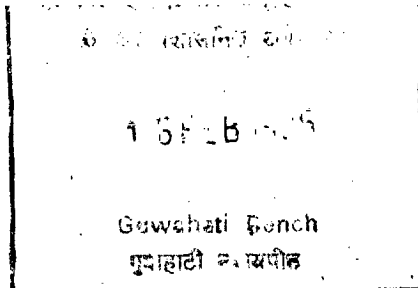


Be it stated that there is a clause in the offer of appointment letter in paragraph IX indicating the liability of serving under the Defence the relevant portion is quoted hereunder :

"ix. ~~Sh~~ He/She shall, if so required, be liable to serve in any defence service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any provided that (a) he/she shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment, (b) he/she shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years."

The applicant accepted the offer of appointment and accordingly he is allowed to continue in 8th Battalion of Assam Rifles in Tuensang, Nagaland till 31st January, 1976 and thereafter the applicant was posted to 7th Battalion of Assam Rifles at Jairampur, Arunachal Pradesh. But on joining the Battalion the applicant was sent to the outpost called Changlang in Tirap District of Arunachal Pradesh and he spent there at about two years. Again in September 1978 the applicant was transferred and posted to ~~xx~~ a very difficult station at Zunheboto, Nagaland, where the applicant had to serve in some of the outposts attached to the Battalion in a very interior places and mode of journey to some of the outposts were on foot only.

ii. In the year 1982, the applicant was promoted to the post of Sr. Medical Officer by the Ministry of Health and Family Welfare vide their letter No. A.11014/2/82-CHS-II dated 5.8.1982 without involving any change



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of place of posting. In February, 1987 the applicant was posted to Delhi Administration in the Department of Health vide Ministry of Health and Family Welfare Letter No. A.22012/42/86-CHS-II of 19.2.1987 but due to non-availability of substitute the applicant could not be relieved by the Director General, Assam Rifles which was communicated to the Under Secretary to the Govt. of India, Ministry of Health and Family Welfare, New Delhi vide letter under reference No. I.14015/30-69/IH-15 AR/ME(A) dated 11.3.1987. The relevant portion of the letter dated 11.3.1987 is quoted below :

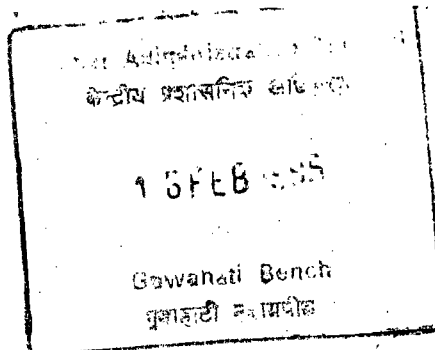
" I. 14015/30-69/IH-15 AR/ME(A) Dt. 11.3.1987

Under Secretary
to the Govt. of India
Ministry of Health & Family Welfare
(Deptt. of Health)
New Delhi.

TRANSFER OF DR I HUSSAIN, SENIOR MEDICAL
OFFICER (CHS) FROM ASSAM RIFLES.

Sir,

- I am directed to refer to your order No. A 22012/42/86-CHS-II dated 19th Feb 87 on the subject noted above and to state that it will not be possible to release Dr. I Hussain without a suitable relief as the Force is facing acute shortage of Medical Officers.
2. In this connection, it may also be mentioned that out of 218 sanctioned posts of CHS doctors only 42 doctors including 8 SMOs are presently held by this Force.
 3. We have requesting the Ministry time and again for posting of Medical Officers as per ~~authorisation~~ authorisation but no improvement has been noticed so far. .
 4. The deficiency of Medical Officers for an organisation located in difficult and remote areas is causing considerable health problems to our troops and their families.



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5. In view of the above it is regretted that no doctors can be released until relief is provided.

Yours faithfully,

Sd/- M.C. Bordoloi
C.G.O.

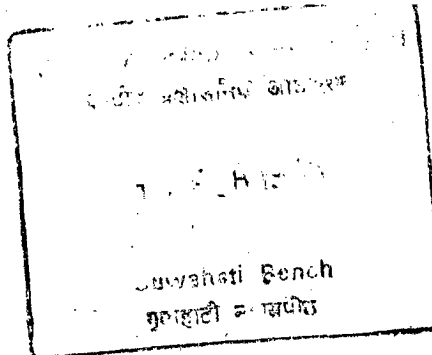
for Director Genl Assam Rifl".

Thereafter the applicant had to continue to serve under the Director General, Assam Rifles and his posting in the Delhi Administration could not be implemented due to acute shortage of Medical Officers in the Organisation of Director General, Assam Rifles.

Copies of the letter dated 19.2.1987 and 11.3.87 are enclosed as Annexure 'B' and 'C'

iii. That the applicant beg to state that due to his posting in remote areas throughout his service career, the children of the applicant faced lot of educational problems and deprived of better educational facilities. In the year 1987, the applicant requested the Brig. S.C. Katoch, the then DIGAR, Hq. Nagaland Range (North), Assam Rifles for his posting from Tuensang to 10 Assam Rifles, Mokokchung, Nagaland. Accordingly the applicant was posted at Mokokchung in September 1987.

iv. That the applicant immediately after posting at Mokokchung suffered a massive heart attack and brought to 5 Air Force Hospital, Jorhat where he was admitted and was under medical ^{treat. etc.} ~~for 45 days~~ 45 days. The applicant was advised to stay where medical facilities are available.



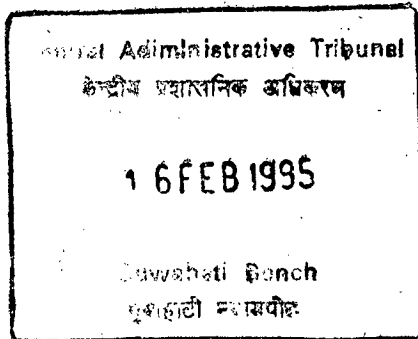
v. That the applicant was promoted to the post of ~~Senior Medical~~ Chief Medical Officer of the Central Health Services, vide letter No. A.32012/1/88-CHS.II dated 14th March, 1988 issued by the Ministry of Health and Family Welfare, Govt. of India, New Delhi and posted the applicant in Delhi Administration of Central Health Services. But the Headquarter of Director of General of Assam Rifles has obtained the approval from the Ministry of Health and Family Welfare for creation of two posts of Chief Medical Officers in the Assam Rifle and also obtained the consent of the applicant to serve the organisation of Assam Rifles. The applicant was at the relevant time recovered from massive heart ~~attack~~ attack and given his consent considering acute shortage of medical officers in the organisation of Assam Rifles.

A copy of the promotion order dated ^{14.}19.4.88 is enclosed as Annexure 'D'.

vi. That on completion of three years at 10 Assam Rifle Mokokchung, Nagaland the applicant was transferred and posted to a newly raised Battalion with its Head-^{far}quarter at Udaipur, Agartala which is very/ from Agartala and there was no family accommodation and there was difficulty of continuation of education of applicants children since the school and colleges there at Udaipur in Bengali medium. Therefore the applicant represented for reconsideration of his posting but the authority did not consider his case of reposting. Fortunately after sometime the posting order of 23 Assam Rifles, Udaipur was modified and the applicant transferred and

posted to 29 Assam Rifles, Kohima, Nagaland where English medium schools are available and medical facilities for the applicant is also available and the applicant presently under the supervision of the medical specialist Naga Hospital, Kohima and there is also 154 General Hospital (Army) at Zakhama which is about 16 km. away from the unit where the applicant is posted.

vii. That the applicant ~~xxxx~~ is posted to 29 Assam Rifles, Kohima since 20th December, 1990 and serving in this Battalion without any problems to his superiors and with their utmost satisfaction but surprisingly the applicant is now transferred and posted ^{to Naginimara} vide DGAR Signal No. A 1569 of 18 January 1995. Be it stated that 13 Assam Rifles, Naginimara is located in a very interior place of Nagaland where no medical facility is ~~xx xxxxxxxxxxxxxx~~ available which is required for the applicant who ~~xxx~~ is already suffered a massive heart attack and now also under regular medical check up. Moreover, there is no educational facility for the children of the applicant who are at present studying in school and college at Kohima. Therefore the present transfer and posting order date 18.1.1995 is going to disturb the educational facility of the children of the applicant and also there is risk for the applicant if he carries out the aforesaid order of transfer as he is a heart patient. The applicant immediately after receipt of the transfer order dated 18.1.95 submitted a representation to the Director General, Headquarters Directorate General of Assam Rifles, Shillong-11 on 23.1.1995 stating details of his problems and requested

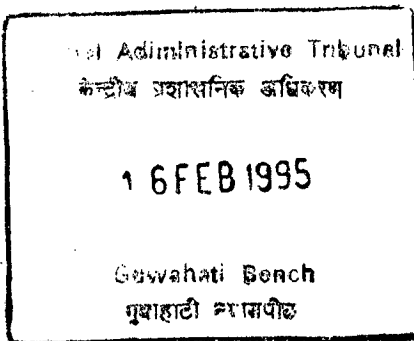


to transfer and post him either ARTC & S/26 Assam Rifles, Dimapur or Headquarters of Directorate General of Assam Rifles, Shillong where the educational facilities as well as medical facilities are available for the applicant. It is also requested in case the applicant cannot be accommodated in his choice places of posting in that event the applicant may be repatriated to his parent Department that is Central Health Services, Ministry of Health and Family Welfare, New Delhi.

A copy of transfer order dated 18.1.1995 and representation dated 23.1.95 are enclosed as Annexure 'E' and 'F' respectively.

viii. That the applicant also entitled to choice station posting in terms of the Office Memorandum dated 14.12.1983 bearing No. 20014/383 EIV issued by the Govt. of India, Ministry of Finance, Deptt. of Expenditure New Delhi as he is settled with All India Transfer Liability.

ix. That the applicant completed nearly 26 years of service in the Defence Department although he belongs to the Department of Central Health Services, under the Govt. of India, Ministry of ~~Family~~ Health and Family Welfare and there is not obligation or liability on the part of the applicant to serve the Defence Department therefore Directorate General of Assam Rifles is liable to accommodate him to his choice place of posting or to repatriate him to his parent department i.e. Central Health Services, Ministry of Health and Family Welfare, New Delhi. The Hon'ble Tribunal be



to.
pleased direct the respondents either to accommodate him to his places of choice stations or to repatriate him to his parent Department i.e. in the Central Health Services under the Ministry of Health and Family Welfare, New Delhi.

x. That this application is made bonafide and for the cause of justice.

7. Reliefs prayed for :

Under the facts and circumstances as stated above, the applicant prayed for the following reliefs :

1. That the respondents be directed to transfer and post the applicant either at ARTC & S S Dimapur or 26 Assam Rifles, Dimapur or Headquarters, Directorate General of Assam Rifles, Shillong.
or
2. That the applicant be repatriate to his parent Department i.e. Central Health Service, Ministry of Health and Family Welfare, New Delhi
or
3. That the respondents be directed to modify/cancel the transfer and posting order dated 18.1.1995 and be allowed to continue to work in the present place of posting at Kohima, Nagaland (29 Assam Rifles).

16 FEB 1995

Lawyer's Bench
मुहूर्त = जारी

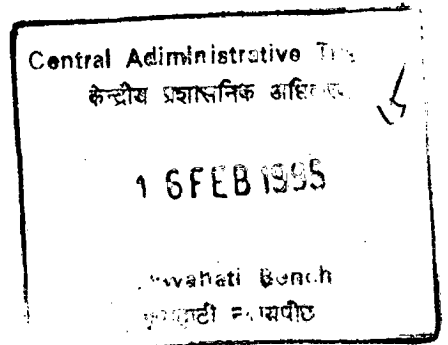
- 11 -

The above reliefs are prayed on the following ~~amongst~~
amongst other :

- G R O U N D S -

1. For that the period of defence service in terms of offer of appointment letter dated 31.1.92 is long back over.
2. For that the applicant served nearly 26 years in the defence, although there is objection to serve only about 10 years or upto the age of 45 years which is already over long back.
3. For that the applicant is entitled to choice station posting in terms of office Memorandum dated 14.12.83.
4. For that applicant is a heart patient and required to stay in a place where medical facility is available.
5. For that the applicant served entire period of his service in the defence department and now entitled to choice place of posting for educational facility of children.
6. For that the applicant could not be relieved on his repatriation to his parent department i.e. Central Health Service on two occasions due to shortage of Medical Officers in Assam Rifles.
7. For that the representation of the applicant is recommended and forwarded to the Headquarters, Director General, Assam Rifles, Shillong, by D.I.G., Assam Rifles Nagaland Range and also by the Headquarters, Inspector General Assam Rifles (North) Jakhama, Nagaland.

contd... 12/-



8. Interim reliefs prayed for :

During the pendency of this application the applicant prays for the following Interim reliefs :

x. That the transfer order dated 18.1.95 (Annexure-^E D) be stayed till final disposal of this application or to pass any other order deem fit and proper by the Hon'ble Tribunal.

9. The other remedies has been exhausted. There is no~~t~~ any other remedy save and except filing this application before your Lordships for appropriate & relief.

10. That the matter is not pending in any other Court/Tribunal.

11. Particulars of the Postal Order

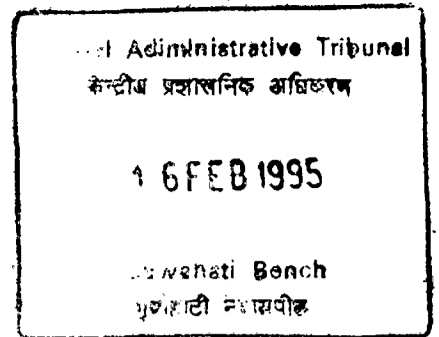
Postal Order No.	:- 8 03 882901
Date of Issue	:- 31.1.1995
Issued from	:- G.P.O., Guwahati
Payable at	:- G.P.O., Guwahati

12. Details of Index

An index showing the particulars of documents is enclosed.

13. List of enclosures

As per Index.



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

I, Shri Ikram Hussain, Chief Medical Officer,
presently resident of Kohima do hereby declare that
the statements made in paragraph 1 to 13 are true
to my knowledge and I have not suppressed any material
facts.

Date : 16 Feb 95

Place : Guwahati

[Handwritten Signature]
12.14.95

Signature

No. A.12025/97/72-CHSII
 Government of India
 Ministry of Health and Family Planning
 (Department of Health)
 New Delhi, the-----1972

31/1/72

M E M O R A N D U M

Subject:- Recruitment to the General Duty Officer, Grade II
 of the Central Health Service.

....

On the recommendations of the Union Public Service Commission the Secretary, Departments of Health & Family Planning offers Dr. Ikram Hussain an appointment in the General Duty Officer Grade II of the Central Health Service and posts him under the Assam Rifles on the following terms and conditions:-

1. The post is temporary and he will be appointed on an officiating basis only. He will be on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the competent authority. The confirmation will depend on the officer's relative position in the overall seniority list and on the availability of a clear vacancy. Failure to complete the period of probation to the satisfaction of the competent authority will render him liable to be discharged from service at any time without any notice and assigning any reason or be reverted to his substantive post on which he may be retaining a lien. After the satisfactory completion of the period of his probation, the termination of appointment will be by giving one month's notice on either side. The appointing authority, however, reserves the right of terminating his services forthwith or before the expiration of the stipulated period of notice or the un-expired portion thereof.

11. The Scale of pay of the post is Rs. 350-25-500-30-590-EB-30-830-35-900. The initial pay of such candidates as are in Govt. service will be fixed according to rules and of those who are not in Govt. service will be fixed at the minimum of the pay scale.

111. Non - practising allowances is admissible at the rate of 33 1/3% of pay subject to a minimum of Rs. 150/ p.m.

iv. Dearness allow- and other allowances as admissible to Central Govt. servants of corresponding status stationed at the place of duty.

v. Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

vi. He/She shall be required to contribute compulsorily to the G.F. Fund in accordance with the rules in force from time to time.

vii. The appointment carries with it the liability to serve in any part of India or outside.

viii. He/She is required to produce a certificate of physical fitness from a duly constituted Medical Board.

ix. He/She shall, if so required, be liable to serve in any defense service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any provided that (a) he/She shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment, (b) he/She shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

x. On appointment, he/she will be required to take an oath of allegiance to the Constitution of India or make a solemn affirmation to --
 contd.

AH-7-24
 Chd.
 Adv.

that effect in the prescribed form.

xi. He/She is required to submit a declaration in the enclosed form to the effect that:-

He does not have more than one wife living or that he having a spouse living is not married in any case in which such marriage is void by reason of its taking place during the life time of such spouse.

xii. He/She is not entitled to any travelling allowance for joining the appointment.

xiii. Other conditions of service will be governed by relevant rules and orders that may be in force from time to time.

2. In addition, the following concessions will be admissible if posted to a station within the tribal areas of Arunachal Pradesh

i. a special pay at 33% of basic pay subject to the minimum of Rs. 125/- p.m. and a maximum of Rs. 250/- p.m.

ii. Free accommodation of a simple type and simple furniture

iii. Winter allowance for 5 months with effect from November at the rate shown at Shillong, and other places of Arunachal Pradesh declared as winter zones, viz. Bomdila, Lawang, Sepla, etc

(a) Pay upto Rs. 750/-

10% of pay subject to a minimum of Rs. 10/- and a maximum of Rs. 25/.

(b) Pay upto Rs. 751/-

The amount by which pay falls short of Rs. 775/-

3. If any declaration given or information furnished by him/her proves to be false or if he/she is found to have willfully suppressed any material information, he/she will be liable to removal from service and such other as Government may deem necessary.

4. This Ministry may please be informed within 14 days of the receipt of this Memorandum whether or not he/she accepts the offer on the above terms and conditions, and return the necessary declaration. It may be noted that no request for change in the posting

indicated in this Memorandum will be entertained. If no reply is

received by the stipulated date, it will be presumed that he/she is not interested in the offer, which will be treated as cancelled. On hearing from him/her, necessary action will be taken for his/her Medical examination etc.

5. The original certificate(s) of----- may please be sent immediately to this Ministry for verification.

Sd/

(P.V. Hariharasankaran)

Under Secretary to the Govt. of India.

To

Dr. Ikram Hussain
C.A.S. I, 8 Assam Rifles
C/O 99A.P.O.

Copy forwarded to :-

1. The Deputy Secretary (Planning & Development), Arunachal Pradesh, Shillong.

2. The Secretary, U.P.S.C., New Delhi, with reference to their letter No. F/- F-/1091(166)/71-RE dated 31-1-1972.

Sd/-

UNDER SECRETARY.

Handwritten notes and signatures at the bottom left corner.

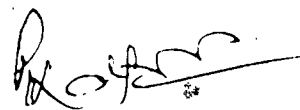
- 164 -
No.A.22912/42/86-CHS II
Government of India
Ministry of Health & Family Welfare

Annexure-B

New Delhi, dated the 19 Feb., 1987

ORDER

The President is pleased to order the transfer of Dr. Ikram Hussain Senior Medical Officer of the Central Health Service, at present working under the Assam Rifles to Delhi Administration, Delhi in public interest with immediate effect.



(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

To

1. The Director General, Assam Rifles, Shillong. It is requested that Dr. Ikram Hussain, Senior Medical Officer of CHS may please be relieved of his duties immediately with instructions to report for duty to the Secretary (Medical), Delhi Administration (M&PH Deptt.), E-Sham Nath Marg, Delhi. His charge relinquishment report in triplicate may please be obtained and forwarded to this Ministry for further necessary action.

2. The Secretary (Medical), Delhi Administration (M&PH Deptt.), E-Sham Nath Marg, Delhi-54. It is requested that Dr. Ikram Hussain, Senior Medical Officer may please be allowed to join as soon as he reports for duty. The charge assumption report, in triplicate, in his respect may please be obtained and forwarded to this Ministry for further necessary action.

3. Dr. Ikram Hussain, Senior Medical Officer (CHS),
~~XXXXXXXXXX~~ 15-Assam Rifles, C/o 99 APO.

4. CHS V Section.

5. Mrs. Aruna Rani.

AH-1-1-1
C-1-1-1
A-1-1-1

AH-1-1-1
C-1-1-1
A-1-1-1

19

Begin
Notes

Today I was C, and ———— of ———— (a high)
added to you among others, and had
relief of I was before ^{I was} ~~the~~, and so
moved out C, ~~and~~ ~~one~~ ~~and~~ ~~one~~ ~~and~~ ~~one~~
one and one and one daily were
had to face C, and C, I was with
to move by and the other side
of his children C, and and action.

Tele No: PARX 23510/233

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate Gen Assam Rifles
Shillong-793011

I. 14015/30-69/IN-15 AR/MS(A)

11 Mar 87

Under Secretary
to the Govt of India
Ministry of Health & Family Welfare
(Deptt of Health)
New Delhi

TRANSFER OF DR I MUSSAIN, SENIOR MEDICAL
OFFICER (CHS) FROM ASSAM RIFLES

Sir

I am directed to refer to your order No A.22012/42/86-CHS
II dated 19 Feb 87 on the subject noted above and to state
that it will not be possible to release Dr I Mussain without
a suitable relief as the Force is facing acute shortage of
Medical officers.

2. In this connection it may also be mentioned that out of
218 sanctioned posts of CHS doctors only 42 doctors including
8 SMOs are presently held by this Force.

3. We have requesting the Ministry time and again for
posting of Medical Officers as per authorisation but no
improvement has been noticed so far.

4. The deficiency of Medical Officers for an organisation
located in difficult and remote areas is causing considerable
health problems to our troops and their families.

5. In view of the above it is regretted that no doctors
can be released until relief is provided.

Yours faithfully,

Sd/- XX XX XX
(MC Wondoloi)
CGO

for Director Gen Assam Rif

M.O.O.Copy to:-

1. HQ Nagaland Range (North) - With ref to their letter No.
Assam Rifles, C/O 99 APO I.19011/10/87-A dt 10 Feb
37. No action is being taken
since transfer of Mx Dr I
Mussain has been considered
by the Ministry vide their
order quoted above.
2. 15 Assam Rifles, C/O 99 APO
3. medical Branch (Internal) - for info

AH - 1-221
(D. 10.10.87)
ASR

AH - 1-221
D. 10.10.87
Adv

Annexure - B
8. D

- 18 -

No. A.32012/1/88-CHS.II
Government of India
Ministry of Health & Family Welfare

3363
27

New Delhi, dated the 14th March, 1988

To

All Participating Units/Organisations
of CHS.

Subject:- Promotion of Senior Medical Officers
(Rs.3000-4500) to the post of Chief Medical
Officer (Rs.3700-5000) of the CHS .. Regarding.

Sir,

I am directed to say that the President is pleased to promote the Senior Medical Officers in the scale of Rs.3000-4500 of the CHS as mentioned in the Annexure to this letter to the post of Chief Medical Officer (Rs.3700-5000) of the CHS on an officiating basis with effect from the date they assume charge of the post of Chief Medical Officer in the concerned institution/organisation as indicated against each.

2. In the event of an officer, who is promoted, being on study leave, deputation on foreign assignment, the promotion will take effect from the date he/she assumes charge of the post on completion of his/her study leave/return from foreign assignment.

3. In case any officer included in the Annexure is or has been on unauthorised absence during the past five years, he/she may not be promoted to the post of Chief Medical Officer till a decision regarding regularisation of unauthorised absence is taken. The details of such cases may please be reported to this Ministry.

4. On promotion to the post of Chief Medical Officer, the pay of the officers shall be fixed in the scale of Rs.3700-5000 under F.R. 22-C.

5. The seniority of the Officers will be regulated on the basis of their inter-se-seniority in the grade of Senior Medical Officers of the CHS or as may be determined by the Government in accordance with the relevant rules. The list of officers in the Annexure is not in order of seniority list in the post of Senior Medical Officer.

...Contd...2/...

AH as per
@ m.c.
Adv.

AH as per
@ m.c.
Adv.

22
6. A copy of this letter may please be made available to the Officers concerned. Their charge relinquishment report in the post of Senior Medical Officer/assumption report in the post of Chief Medical Officer (in duplicate) may please be obtained and forwarded to this Ministry for further necessary action.

Yours faithfully,

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No. A.11014/2/58-CHS.II

1. Copy to all Pay and Accounts Offices.
2. The Admn. Officer, CGHS, New Delhi.
3. Concerned officers through the Heads of Office/Department of Organisation/Institution. In case they, on promotion, are posted to P & I or Ministry of Labour, it is requested that they may contact the Ministry of Communication, Department of Posts, New Delhi & Ministry of Labour, Jaisalmer House, Single Storey Hutments, Man Singh Road, New Delhi respectively for their posting.
4. Ministry of Communications (Deptt. of Posts) New Delhi. (Shri. S. Chandra, Director (Staff))
5. Ministry of Labour, Jaisalmer House, Single Storey Hutments, Man Singh Road, New Delhi. (Shri S.S. Bhalla, Under Secretary)
6. CHS.I Section.
7. CHS.V Section.
8. CGHS I/II Sections.
9. PH (IH) Section of the Dte.G.H.S.
10. Medical (F & S) Section of the Dte.G.H.S.
11. Admn. I/II Section of the Dte.G.H.S.
12. Estt.III. Section.

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

A.H. - 101
B.L.G.
A-1

1.	2.	3.	4.
381.	Dr. Viswa Nath Prasad Srivastava	CIP, Ranchi	CIP, Ranchi
382.	Dr. T. C. Malik	CMLWF, Orgn	CGHS, Nagpur
383.	Dr. A. K. Awasthi	CGHS, Lucknow	CGHS, Lucknow
384.	Dr. S. L. Shanbhag	APHO, Bombay	CGHS, Bombay
385.	Dr. Ikram Hussain	<u>Assam Rifles</u>	Delhi Admn.
386.	Dr. B. K. Sainanee	CHEB	CGHS, Jaipur.
387.	Dr. K. C. Mallik	Dr. R. M. L. Hosp.	Delhi Admn.
388.	Dr. R. Narasimha Rao	CGHS, Madras	CGHS, Madras.
389.	Dr. Ripu Daman Verma	CGHS, Lucknow	CGHS, Lucknow.

Ch. 8/1/11

*Attached
File
Adm.*

*Attached
@ file
Adm.*

/COPY/

-21-

Annexure - E
Annexure - B & C

From : DGAR

DTG: 181030

UNCLAS

TO : NLR(S)

A-1569

Info : 29 AR

Posting Civ Med Offr (.) Firstly (.) U/M posting approved
(.) Dr J P Saikia comma CMO 1 AR to ARTC and School (.) 3 (.)
Dr Somorendra Singh comma MO 3 AR to 10 AR (.) C (.) Dr MC Bora
comma SMO 10 AR to 3 AR (.) D (.) Dr Ikram Hussain comma CMO
29 AR to 13 AR (.) secondly (.) Mov plan (.) Alfa (.) all offrs
to Mov without relief (.) brova (.) Mov to be completed
by 20 Feb 95 (.) thirdly (.) intimate ACR/ICR as applicable (.)
forthly (.) intimate ETD/LTA all concerned (.) fifthly (.)

ack-

Attested
@ Adv.

Attested
@ Adv.

From,

Dr Ikram Hussain
CMO (SG)
29, Assam Rifles
C/O 99 APO

- 22 -

Annexure - F.

✓

To,

The Director General
Headquarters Directorate General
Assam Rifles
Shillong-11

(Through Proper Channel)

SUB: POSTING CMO

Respected Sir,

1. With due respect and humble submission, I beg to lay the following few lines for your kind consideration and favourable orders please.
2. Sir, I have joined this fine force in 1969 from the Central Health Services and since then serving in different units of this force under your kind command with entire satisfaction to my superiors till date and presently as a Chief Medical Officer (Selection Grad) in 29 Assam Rifles.
3. My tenure of posting as under:-
 - (a) 8 Assam Rifles - Hard area- from -1969 to 1976-with Bn HQ/Wings
 - (b) 7 Assam Rifles from 1976 to 1978 (at Changlang-Hard area)
 - (c) 15 Assam Rifles from 1978 to 1987-Hard area-with Bn HQ/Wings
 - (d) 10 Assam Rifles from 1987 to 1990 -soft area Bn HQ/Wings
 - (e) 29 Assam Rifles from Dec 1990 till date -Soft area.
4. With ref to your Sig A 1569 of 10 Jan 95, I am under posting to 13 Assam Rifles and to mov by 20 Feb 95.
5. But Sir, I desire to put forward some of my genuine problems for which your highly esteemed office will kindly consider.
6. Firstly Sir, my three children are college/school going, prosecuting their studies in Kohima Arts college and Little Flower school here with NBSE syllabus.
7. Secondly Sir, I myself is a heart case and suffered from a heart attack in 1987 while I was posted in 10 Assam Rifles. I am still on regular checkup under Medical Specialist, Naga Hospital, Kohima who has recommended me to stay near by a well equipped hospital to tackle any eventualities. (Medical Cert attached as Appex -A).
8. Thirdly Sir, I have not much time left for my retirement from service, So I intend to construct a dwelling house at Dimapur for which negotiations are already started.

Attested
@
Adv.

.....2/-

Attested
@
Adv.

9. Since my joining this force in 1969, I have been serving whole heartedly and never been a problem to my superior and as ^{any} two tenures of service are left for my retirement (super annuation in the year 2003). I hope, I deserve at least one more tenure where I can extend better education to my children at this crucial stage when they are studying in higher classes and to plan for future settlement of my family.

10. Therefore Sir, keeping in view of the foregoing, I fervently request your goodself and benign authority to post at any one of the under mentioned places where my children can prosecute their studies satisfactorily, and for which act of your kindness, I shall be ever grateful to you.

- | | |
|-------------|------------|
| (a) ARTQ&S | - Dimapur |
| (b) 26 AR | - Dimapur |
| (c) HQ DGAR | - Shillong |

11. Lastly Sir, In case my posting to one of the above mentioned places is not considered due to administrative reasons, my reversion to Central Health Services may kindly be taken-up which will be the Ministry of Health Services, New Delhi, earliest and I may please be allowed to continue in this battalion till reversion to Central Health Services is received from the Ministry.

Thanking you in anticipation.

Yours faithfully,

(1-8)

(Dr Ikram Hussain)
CMO (SG)

Place : 20 AD

Date : 23 Jan 95

Encl : 4 (Four)

Adv Copy to :-

1. Headquarters
Directorate General Assam Rifles
(Medical Branch)
Shillong-11

Copy to :-

1. Headquarters
Inspector General Assam Rifles (North)
C/O 99 APO
2. Headquarters
Nagaland Range Assam Rifles (South)
C/O 99 APO
3. A Branch (Internal)
4. Office copy

Attested
@mle
ADV

Attested
@mle
ADV

22
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI - 5

O.A. 24/95

Dr. Ikram Hussain ... Applicant

-VS-

Union of India & Ors. ... Respondents

P R E S E N T

THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN.).

For the Applicant ... Mr. J.L. Sarkar,
Mr. M. Chanda.

For the Respondents ... Mr. S. Ali, Sr.C.G.S.C.

Sd/- MEMBER (ADMN)

Memo No. :

Date :

Copy for information & necessary action to :

- (1) Dr. Ikram Hussain, Chief Medical Officer (S.G.), 29, Assam Rifles, Kohima, Nagaland.
- (2) The Secretary, Govt. of India, Deptt. of Health, Ministry of Health & Family Welfare, New Delhi.
- (3) The Director General, Govt. of India, Deptt. of Health, Ministry of Health & Family Welfare, New Delhi.
- (4) The Director General, Headquarter of Directorate General, Assam Rifles, Shillong-793011.
- (5) Mr. M. Chanda, Advocate, Gauhati High Court, Guwahati.
- (6) Mr. S. Ali, Sr.C.G.S.C., C.A.T., Guwahati Bench, Guwahati.

SECTION OFFICER (J)