

50/100 5  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 256/95.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... Pg.....1.....to.....3.....
2. Judgment/Order dtd 19.6.99..... Pg.....X.....to.....17. August and 8/10
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... Pg.....1.....to.....39.....
5. E.P/M.P..... Pg.....to.....
6. R.A/C.P..... Pg.....to.....
7. W.S..... Pg.....to.....
8. Rejoinder..... Pg.....to.....
9. Reply..... Pg.....to.....
10. Any other Papers..... Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

*Gahita*  
7.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO.

256

OF 1995

TRANSFER APPLN. NO.

OF 1995

CONT EMPT APPLN. NO.

OF 1995 (IN NO. )

REVIEW APPLN. NO.

OF 1995 (IN NO. )

MISC. PETITION NO.

OF 1995 (IN NO. )

D.K. D.W.

APPLICANT(S)

-vs-

M.O.I. TOW

RESPONDENT(S)

For the Applicant(s)

Mr. B.K. Sharma

Mr. S. Sarma

Mr. B. Mehta

Mr.

Mr. ~~D.K. Chaudhury~~, ~~Adv.~~ C.A.  
S. Ali, Sr. C.G.S.C.

For the Respondent(s)

OFFICE NOTE

DATE

ORDER

24.11.95

Mr B.K. Sharma for the applicant.

Mr S.Ali, Sr.C.G.S.C for the respondents.

Adjourned to 12.1.96 for consideration of admission.

This application is in form and within time.  
C. F. of Rs. 50/- deposited vide  
IPO/BD No. 868975  
Dated 12.11.95

62  
Member

B. Parade

By Register (1) 27.11.95 pg

P.D.

12.1.96

None is present. Adjourned for consideration of admission to 2.2.1996.

27/11/95

62  
Member

29.1.96

To be listed for hearing on

14.2.96

14.2.96

By order  
Bom

P.D. a. ~~28.2.96~~

6.3.96

By order  
Bom

(contd. to Page No. 2)

OFFICE NOTE

DATE

ORDER

6.3.96

List for admission on  
3.4.96.

60

Member (A)

3.4.96

Learned Sr.C.G.S.C Mr S.Ali is present  
 Mr Chanda requests for adjournment on  
 behalf of the counsel of the  
 applicant. Adjourned to 1.5.96. for  
 consideration of admission.

60

Member

pg

1.5.96

Mr B.K. Sharma seeks adjournment  
 for ~~instructions~~ One month ~~adjournment~~ for  
 instructions.

List for consideration of admission  
 as a last opportunity on 31.5.96.

60

Member

nkm

18.6.96

At the request of Mr B.Mehta passed  
 over to 19.6.96.

60

Member

pg

## OFFICE NOTE

## DATE

## ORDER

19.6.96

Mr B.K. Sharma for the applicant. Mr S. Ali, Sr. C.G.S.C., for the respondents.

Heard Mr B.K. Sharma for admission. This O.A. has been submitted against the order of transfer No. STES-3/16/Pt-1/33 dated 31.3.1995 transferring him to Jammu and Kashmir Telecom Circle. I find that the applicant has submitted representation dated 22.5.1995 against his transfer order to Jammu and Kashmir Circle and this representation is pending disposal of the competent authority of the respondents. In the circumstances the application is disposed of with a direction to the competent authority of the respondents to dispose of the representation of the applicant within one month from the date of receipt of this order.

The application is disposed of accordingly.

*60*  
Member

nkm

12.7.96  
copy of order  
issued to the  
parties vide  
D. No - 1842 to 1846

dd - 28-6-96

*SLH*  
*12/7*

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

2.

4. The Area Director (Telecom),  
Department of Telecommunication,  
Rajgarh Road, Guwahati.-S

... RESPONDENTS

DETAILS OF APPLICATION.

1. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE :-

The application is directed against the orders  
(a) Order No. 11-18/94-STG-1, dated 23.1.95 issued by the Director (ST-II) pursuant to which applicant is transferred from Assam Circle to Gujrat Circle on Administrative Ground (Annexure-A (I)), (b) Order No. 11-18/94-STG-1, dated 20.2.95 issued by the Asstt. Director General (STG) by which modifying the earlier order applicant is transferred from Gujrat Telecom Circle to Jammu and Kashmir Telecom Circle (Annexure-C).  
(c) Memo No. STES- 3/16/Pt-I/36, dated 24.04.95 issued by the Assistant Director, Telecom (Staff) (Annexure-D-1) by which name of your applicant is strucked from Assam Telecom Circle and charge being taken over ~~unilaterally~~ unilaterally.

2. JURISDICTION OF THE TRIBUNAL:-

The applicant declares that the subject matter of the order against which he is seeking redressal is within the jurisdiction of this Hon'ble Tribunal.

3.

3. LIMITATION :-

This application is filed under extra-ordinary circumstances and such it fulfils the legal requirement of limitation prescribed in Section 20 and 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

4.1. That the applicant is a citizen of India and as such is entitled to all the rights protections and privileges guaranteed under the constitution of India.

4.2. That the applicant entered into services of the Telecom Department way back in 1964 and ever since his entry into the service, he has been discharging his duties to the satisfaction of all concerned. Infact, applicant was promoted to the rank of telecom District Engineer (TDE for short), Silchar and in that capacity he was the incharge of Silchar Secondary Switching Area which comprises revenue Districts of Silchar, Karimganj, Hailakandi and North Cachar Hills.

4.3. That your applicant begs to state that by an order dated 21.10.94 bearing Memo No. 9-143/91-  
vig.1 issued by the Assistant Director General (Vigilance) your petitioner was deemed to have been suspended retrospectively w.e.f. 6.10.94. By another order dated

4.

26.10.94 bearing Memo No. Dir-GH/STB/1-4/105 your applicant was asked to handover charge of TDE immediately.

Against these two orders, your applicant approached the Hon'ble Central Administrative Tribunal, Guwahati through O.A. No. 205/94 and O.A. 211/94.

4.4. That your applicant begs to state that this Hon'ble Tribunal while admitting the matters was pleased to make certain observations and accordingly your applicant approached the concerned authorities. The respondents realising the illegalities ~~the respondents~~ and irregularities of the suspension order of your applicant was pleased to revoke the suspension order vide order bearing Memo No. STES-1/123/7, dated 23.12.94. The O.A. No. 205/94 and O.A. 211/94 were later on disposed of on 9.2.92 as the suspension order was revoked by the respondents.

A copy of the revocation of suspension order dated 23.12.94 is annexed hereto and is marked as Annexure-'A'.

4.5. That your applicant begs to state that when he again settled down with his duties to his utter surprise he was served with a transfer order dated 23.1.95.

Central Administrative Tribunal  
Guwahati Bench

15 NOV 1995

6/3

Gawahati Bench  
Guwahati 781001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::::GUWAHATI BENCH

(An application under Section 19 of the Administrative  
Tribunal Act, 1985)

TITLE OF THE CASE : O.A. NO. 256 OF 1995.

Sri Dhirendra Kumar Das .... Applicant.

- Versus -

Union of India & ors .... Respondents.

I N D E X

<u>Sl No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
1.	Petition.	1-17.
2.	Annexure-'A'	18-19.
3.	Annexure-A1.	20-21
4.	Annexure-B.	22-24
5.	Annexure-C.	25
6.	Annexure-D.	26-27
7.	Annexure-D1	28.
8.	Annexure-E.	29.
9.	Annexure-E1	30
10.	Annexure-F.	31-32
11.	Annexure-F1.	33
12.	Annexure-F2.	34-35
13.	Annexure-F3.	36
14.	Annexure-G.	37
15.	Annexure-H.	38-39.

Date of Filing :- 15/11/95

Registration No. :- O.A. 256/95

SD/-  
REGISTRAR.

X

Received

Jee S. CSC  
16/11/95

*Recd my  
Hiren Kumar Dharma  
15/11/1995*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

O.A.NO. 256 OF 1995.

BETWEEN :

Sri Dhirendra Kumar Das,

Staff No. 93415,

S/o Late Gopimohan Das,

presently under transfer from

Assam Circle to Jammu and

Kashmir Circle.

... APPLICANT.

- And -

1. Union of India,

represented by the Secretary

to the Government of India,  
Sanchar Bhawan-20, Ashokanand  
Ministry of Telecommunication,

New Delhi.

2. The Director General,

Department of Telecommunication,

Sanchar Bhawan 20 Ashoka Road,

STG-1, Section New Delhi.

3. The Chief General Manager,

Assam Telecom Circle,

Ulubari, Guwahati-781 007.

Contd....2/p.

By this order your applicant was transferred to Gujrat Circle from Assam Circle on the ground of Administration.

A copy of the order dated 23.1.95 transferring your applicant from Assam Circle to Gujrat Circle is annexed hereto and is marked as Annexure-'A-1'.

4.6. That since your applicant is on the verge of retirement and this sudden transfer order from one tenure circle to another tenure circle created turmoil in the family life as your applicant and his son needs constant medical treatment. Your applicant submitted a representation to the Director General, Telecom, Sanchar Bhawan, New Delhi on 6.2.95 through proper channel with a prayer to reconsider the case of transfer of your applicant on the facts and circumstances stated in the representation and to cancel the order.

A copy of the representation is annexed hereto and marked as Annexure-B, to this application.

4.7. That your applicant begs to state that when he was expecting a sympathetic consideration from the authorities under the fact and circumstances of the representation. Your applicant was shocked and

dismayed to receive another transfer order dated 20.2.95 by which it was stated that the earlier transfer order dated 23.1.95 has been modified and now instead of Gujrat Telecom Circle. Your applicant has been transferred to Jammu and Kashmir Circle.

A copy of the revised transfer order dated 20.2.95 is annexed hereto and is marked as Annexure-'C' to this application.

4.8. That your applicant begs to state that the office of the Chief General Manager, Assam Circle vide Memo No. STES-3/16/Pt-1/33, dated Guwahati 31.3.95 issued a direction to your applicant to handover the the charges, to Sri D.Toshniwal, however, before your applicant could handover the charge, the charge was was taken over unilaterally.

A copy of the order dated 31.3.95 and 24.04.95 are annexed hereto and is marked as Annexure-'D' and 'D-1' respectively.

4.9. That your applicant begs to state that he is suffering from diabetic and hypertension and for this he needs constant medical attendance. Infact your applicant was also admitted as indoor patient in Silchar Medical College, Hospital, Silchar from 9.10.94 to 16.10.94. Your applicant is still undergoing regular treatment in Silchar Medical College,

Silchar and at this state if your applicant is transferred out great prejudice will be done to him.

Copies of Medical Certificates issued by the Medical Hospital, Silchar were annexed hereto and are marked as Annexures-E & E-1 respectively. The applicant craves leave of the Hon'ble Tribunal to produce further documents at the time of hearing.

4.10. That your applicant begs to state that in-addition to his own ailment his only son is suffering from obesily with Hypertension(2) secondary. He was treated at Silchar Medical Hospital, Silchar but as proper diagnosis could not be done your applicant's son Debasish Das was referred to Christian Medical College, Vellore on 5.4.95. As he needed urgent medical investigation the Director of Health Services, Assam, Guwahati referred and allowed your applicant's son to undergo medical treatment at Vellore. After medical examination at C.M.C., Vellore, your applicant's son has been found suffering from uncontrolled diabetes mellitus and glaucoma. These finding have necessitated the presence of your applicant besides his only son as he needs constant follow up and medicines.

Copies of medical certificates both of Silchar Medical College and Christian Medical College, Vellore are annexed hereto and are marked as Annexures-F, F-1, F-2 and F-3 respectively.

4.11. That your applicant begs to state that after coming back from vellore after your applicant's son's treatment, your applicant submitted his leave application alongwith all the medical certificates on 30.5.95. However, to the utter surprise of your applicant he was informed vide Memo No.E-1/T&R/173, dated 7.6.95 that your applicant's name has been already struck off and released from the Circle.

A copy of the communication dated 7.6.95 is annexed hereto and is marked as Annexure-'G' to this application.

4.12. That your applicant begs to state that realising that respondents after having failed in their move to humilate and harass. Your applicant in the past by way of suspension have now taken recourse to this strategy, he submitted a representation before the Chairman, Telecom Commission, ~~Sikkhar~~ Sanchar Bhavan for cancellation of the transfer order. It may pertinent to mention here that the said representation is still pending.

A copy of the representation dated 22.5.95 is annexed hereto and is marked as Annexure-'H' to this representation.

4.13. That your applicant begs to state that his transfer from Assam Telecom Circle to Gujrat

Circle and then to Jammu and Kashmir already indicates that your applicant is a victim of calumny and vendetta and respondents are only settling their personal score with a malafide intention using colourable exercise of power.

4.14. That your applicant begs to state that prima facie the order of transfer from one circle to another circle is not tenable because when ever an incumbent is transferred from one circle to another, question of options and choice posting does arise and incumbents are given options for ~~per~~ preference but in the instant case of your applicants the same opportunity was not given. On the other hand your applicant's transfer from Assam Circle to Gujrat Circle and then to Jammu and Kashmir Circle has become a case of the proverbial "from frying pan to fire". Moreover, the representation that your applicant submitted before the highest authority is still pending.

4.15. That your applicant begs to state that before taking recourse to such transfer orders at least your applicants representation should have been disposed of and choice posting should have been given. The respondents have not done so and hence it is a clear violation of Principle of natural justice and on this score alone the transfer order is liable to be set aside and quashed.

4.16. That your applicant begs to state that a case was registered against your applicant in 1991 and the chargesheet of the case has been issued only on 16.5.95 pending before a Special Judge, Guwahati being 43<sup>C</sup>/94. The case is going on and it is in the stage of taking evidence now. The presence of your applicant at this stage for conducting the case is very essential and your applicant has reasons to believe that the respondents after having failed to harass and humiliate through proper process of law have now taken indirect method by transferring your petitioner out of the circle. The pending case will demand constant presence of your applicant for defence in Assam Circle and with the failing health condition it will be impossible for your applicant to take such a strenuous journey from Jammu and Kashmir and Silchar.

4.17. That your applicants begs to state that if the order of transfer is given effect to it will fell upon your applicant adversely as already stated above he has only two years of service left, both your applicant and his son are in under constant medical treatment, and also the pending cases will demand your applicant's presence in the Assam Circle. Also this last posting from one Circle to another circle will create problems of gratuity, pensions and other incidental issues after retirement.

11.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :-

5.1. For that the impugned orders are violative of the Principles of natural justice. Applicant was transferred twice from one circle to another circle without disposing the representations pending before the authorities. It is also clear violation of ~~audi-~~ <sup>atterem pertem.</sup>

5.2. For that the applicant has been working in the Assam Telecom Circle since, 1964 and is now on the verge of retirement. Even service jurisprudence indicates that a person should not be disturbed <sup>towards</sup> the end of his service. However, in the instant case it is not only transfer but it is a inter circle transfer which was totally incalled for.

5.3. For when ever an incumbent is transferred from a tenure circle, he is to give preference regarding posting however in the instant case no such opportunities were offered.

5.4. For that cases are pending in Assam Circle and this hasty transfer to such a distant place will hamper in taking proper defence for your applicant and ~~not~~ it is against Rule of law.

5.5. For that the applicant is a diabetic with hypertension patient and his only son is also suffering

from serious ailment for which he needs constant medical attention. These facts are known to the authorities and the same were also intimated through the representations which remained unrepresented/undisposed till date. Atleast humanitarian ground should have been taken into consideration while passing the order.

5.6. For that posts are still lying vacant in Assam Telecom Circle, transfer of your applicant to Gujrat and then to Jammu and Kashmir merely on the ground of administration is a non-speaking order. Again why the applicant is transferred from Gujrat Telecom Circle to Jammu and Kashmir Telecom Circle without disposing of the representation is not being explained. Hence the order does not stand to reason, is wholly arbitrary and as such is pro tanto void.

5.7. For that the impugned orders are issued in violation of provisions of existing rules and are contrary to the established principles of service jurisprudence.

5.8. For that the malafide and colourable exercise of power being the foundations of the impugned order of transfer same is not tenable and liable to be set aside and quashed.

5.9. For that it is a fit case to lift the veil so as to enable the Hon'ble Tribunal to brought into the matter and examine the real nature and motive behind issue of the consecutive transfer orders from one circle to another and then to the third without disposing of the representations.

5.10. For that the applicant has reasons to believe that since the order of suspension of your applicant had to be revoked by the respondents after approaching the Hon'ble Tribunal, your applicant has become a eye sore to the respondents and in view of the matter the impugned transfer order have been issued to harass, humiliate and to put into difficulties the applicant.

5.11. For that the impugned transfer order of transfer has been passed in gross violation of established principles of service jurisprudence.

5.12. For that in any view of the matter, the impugned orders are not sustainable and are liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED : -

The applicant states that he submitted representations before the respondents however till date they have not disposed of under the facts and circumstances of the case he has got no other

14.

alternative or efficacious remedy then to come under the protective hands of this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURTS :-

The applicant further declares that he had not previously filed any application/writ application or suit regarding the matter in respect of which the application has been made before any Court of Law or any other authority and/or other Bench of the Hon'ble Tribunal and/or any such suit/writ petition or application is pending before any Court.

8. RELIEF SOUGHT :-

Under the facts and circumstances stated above the applicant most respectfully prays that the Hon'ble Tribunal would be pleased to admit this application call for the records of the case and issue notice on the respondents to show cause as to why the reliefs sought for in this application should not be granted and on perusal of the records and upon hearing the parties on the cause or causes that may be shown be pleased to grant the following reliefs :-

(i) To set aside and quashed :

(a) Order No.11-18/94-STG-1, dated 23.1.95 issued by the Director (ST-II) Department of Telecommunication, New Delhi by which your applicant has been

transferred from Assam Circle to Gujrat Circle  
(Annexure-A-1).

(b) Order No.11-18/94-S TG-1, dated 20.2.95 issued by Assistant Director General (STG) Department of Telecom, New Delhi by which modifying the earlier order applicant is transferred from Gujrat Telecom Circle to Jammu and Kashmir Telecom Circle (Annexure-C).

(c) Memo No. ~~SEX~~ STES-3/16/Pt-1/36, dated 24.04.95 issued by the Assistant Director, Telecom (staff) Assam Telecom Circle by which name of your applicant is struck from Assam Telecom Circle and charges being taken unilaterally (Annexure - D-1).

(ii) To direct the respondents to allow the applicant to continue in the post of Telecom District Engineer, Silchar till such time his case is considered by disposing the representations in true perspective (Annexure-B and H).

(iii) Cost of the application.

(iv) Any other relief or reliefs to which the applicant is entitled under such facts and circumstances of the case and the Hon'ble Tribunal may deem fit and proper.

16.

9. INTERIM ORDER PRAYED FOR :-

Pending disposal of the application, the application prays that the operation of the impugned orders dated 23.1.95 (Annexure-A-1), dated 20.2.95 (Annexure-C) and order dated 24.04.95 (Annexure-D-1) be stayed/suspended with a further direction to allow the applicant to continue in his present post of TDE Silchar. In this connection, the applicant states that the balance of convenience lies in favour of the applicant in granting the interim order. If the interim order as prayed for is not granted, he will suffer irreparable loss and injury and the same will cause severe consequence. And accordingly, it is a fit case for granting the interim order as prayed for.

10.

11. PARTICULARS OF THE I.P.O. :-

I.P.O. No. :- 803868975

Payable at Guwahati. 12.10.95

12. LIST OF ENCLOSURES :-

As stated in the Index.

Verification ....

Annexure-'A'.

GOVERNMENT OF INDIA  
 DEPARTMENT OF TELECOMMUNICATIONS  
 OFFICE OF THE CHIEF GENERAL MANAGER TELECOM: ASSAM CIRCLE  
 GUWAHATI-781 007.

No. STES-1/123/7 Dated at Guwahati the 23.12.94.

To

Sri Dhirendra Kumar Das,  
 Telecom District Engineer (Under Suspension),  
 Silchar.

Sub :- Revocation of suspension order.

Kindly find herewith the DOT New Delhi Memo No.  
 9-143/91-Vig.I, dated 22.12.1994 in original.

The order of suspension having been revoked  
 you may kindly report for duty immediately and take over  
 the charge of TDE, Silchar from Sri J.M.Gupta.

The receipt of the letter together with the enclosure  
 may please be acknowledged by return of post without  
 fail.

Sd/-B.K.Deori,

Enclo:- As above.

Dy. General Manager Telecom (Admn.)  
 for Chief General Manager Telecom,  
 Assam Circle, Guwahati-781007.

Copy to :-

1. The Area Director Telecom, GH for information and necessary action. A copy of DOT memo No. dated 22.12.94 is forwarded herewith.

Attested.  
 Advocate.

Contd....19/p.

19.

2. Sri J.M.Gupta, TDE, Silchar. He is instructed to hand over the charge of TDE, Silchar to Sri D.K.Das and report from compliance alongwith a copy of charge handing/taking over report.

3. Sri S.M.Roy Choudhury, V.O., Circle Office/GH for favour of information. He is also requested to decide the treatment of the period of suspension.

4. Personal file of Sri D.K.Das.

5. A.O. (TA), Circle Office, GH

6. D.E. Arrangement file.

7. Asstt. Director Telecom(HRD), Circle Office/GH.

8. Spare.

Sd/-  
For Chief General Manager Telecom  
Assam Circle, Guwahati-781 007.

Attested  
Advocate

Annexure-A1.

No.11-18/94-STG-1.

GOVERNMENT OF INDIA  
 DEPARTMENT OF TELECOMMUNICATION  
 SANCHAR BHAWAN 20 ASHOKA ROAD: NEW DELHI  
 (STG-1 SECTION)

Dated 23rd Jan/95.

ORDER

Sub :- Posting and transfer in the Grade of Divisional Engineer.

Shri Dhirendra Kumar Das (Staff No.3415) an adhoc D:E. of Assam Circle is transferred to Gujrat Circle on administrative grounds with immediate effect.

CGM, Assam may relieve the officer immediately on receipt of station of posting from OJ Circle

The date ~~xx~~ from which the above order is given effect to may be intimated and charge reports sent to all concerned.

This is in supersession of this office orders issued vide No.3-80/94-STG-II, dt. 19.9.94 and 17.11.94.

Sd/-V.K.Mahendra,  
 Director(ST-II),  
 Tele- 2757.

Copy to :-

1. The Chief General Manager, Assam Telecom Circle, Guwahati.

Contd...21/p.

Attested  
 Advocate.

21.

2. The Chief General Manager, Gujrat Telecom Circle,  
Ahmedabad.

3. The CAOs of the abovementioned circles.

4. DDG (Vig) / DDG (pers) / DIR (ST-II).

5. SO (STG-II) / sr.CA to Adv. (HRD) / order Bundle.

6. Office concerned / spare copy.

7. Office copy.

Sd/-23.1.95.  
Section Officer (STG-I)  
PH 3032790

Attested.  
97  
Advocate

Annexure-B.

To,

The Director General, Telecom,  
Sanchar Bhawan,  
New Delhi.

Dated at Guwahati the 6th Feb/95.

Sub :- Prayer for cancellation of transfer and posting order.

Ref :- Your letter No.11-18/94-STG-1, dt. 23.1.95.

Respected Sir,

With due respect I beg to state the following few lines for your kind and sympathetic consideration.

That Sir, vide your above order I have been transferred as adhoc D. from Assam Circle to Gujrat Circle. In this respect I am to state that-

1. I am already working in a tenure circle (i.e. Assam Circle) and I am being transferred to another tenure Circle (i.e. Gujrat Circle).
2. As I am serving in a tenure Circle accordingly, I should have been atleast given a chance to choice an choiceable circle.
3. Recently I am was posted as STG in the Assam Circle and as STS I am neither junior in the service in the Circle.

Contd...23/p.

Attested:  
Advocate.

4. I am at a verge of retirement and yet to arrange for marriage of my daughters here only.

5. My younger daughter is studing Engineering at Silchar and my transfer will be detrimental at this stage to her education.

6. As on date there is vacancy also available in the Assam Circle.

7. There are disciplinary and Court cases going on against me and at this stage if I am transferred, I will not be able to defend the cases properly from far away and I may be deprived of natural justice. Further I may be required to come frequently to attend the Guwahati Court.

7. There is no male member in my family who can look after my daughter and family.

8. I am a patient of Diabetic with hypertension and can not leave alone. Few months back also I was admitted in hospital and still under ~~se~~ treatment.

That Sir, just after the revocation of my suspension order transfer order issued to a far remote place-though I have rendered very good serius to the deptt. during my last 10 years, with the fullest satisfaction of my superiors my service records will speak the truth.

Attested  
Advocate.

Contd...24/p.

Hence I am requesting your kind honour to consider my transfer case sympathetically and cancel my transfer order for which act of your kindness, I will remain ever grateful to you.

Yours faithfully,

Sd/-D.K.Das,  
(Staff No.03415).  
TDE Silchar.

Copy to :-

An advance copy of Director General (Telecom) for information and necessary action.

Attested.  
Advocate

Annexure-C.

No.11-18/94-S TG-1  
 GOVERNMENT OF INDIA  
 DEPARTMENT OF TELECOM  
 SANCHAR BHAWAN  
 NEW DELHI.

Dated 20th Feb/95.

O R D E R

Sub :- Posting and transfer of the Grade of DES.

In modification of this office order of even number dated 23.1.95 the transfer of Sri Dhirendra Kumar Das (Staff No.3415) is revised from Gujarat Telecom Circle to J.& K Telecom Circle with immediate effect.

The date on which the above ~~xxx~~ orders are given effect to may be intimated and charge report send to all concerned.

Sd/-S.M.Kaushal,  
 20.2.95.

Asstt. Director General (STG)=

Copy to :-

1. Chief General Manager, Assam Circle/Gujrat/J.&K Circle.
2. CAD of the above units.
3. Officer concerned.
4. Sr.C.A. to Adv (HRD), DOT.
5. DDG (Pers)/Dir (ST-II)/ADG (STG) DOT NO.
6. Order bundle STG-I Section.

Sd/-Man Mohan Singh  
 21.2.95.  
 Section Officer (STG-I).

Attested.  
 Advocate.

Annexure-D.

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION

OFFICE OF THE CHIEF GENERAL MANAGER : ASSA M TELECOM CIRCLE  
ULUBARI : GUWAHATI-781 007.

NO. STES-3/16/Pt-1/33 Date at Guwahati the 31.03.95.

In pursuance to T.C., H.Q., New Delhi Memo No. 12-7/93-STG-1, dated 11.10.94 and No. 11-18/94-STG-1, dated 20.02.95, the C.G.M.T., Assam Circle, Guwahati is pleased to issue the following orders of transfer in the cadre of STS of ITS Gr. 'A' to take immediate effect.

1. Shri P.Lal (Staff No. 2992) D.E. (SBP), O/O the T.D.M., Guwahati is ordered for transfer to Bihar Telecom. Circle for posting as A.G.M. (Opr-I), Circle office, Patna. Shri Lal will hand over his present charge to Shri G.Ratna Kumar D.E. (P&A) of Kamrup Telecom. District, who will hold this charge in addition to his normal duty and without any extra renumeration.

2. Shri Dhirendra Kumar Das (Staff No. 3415), T.D.E. Silchar is ordered for transfer to J & K Telecom. Circle for posting as D.E. (Plg.) under G.M.T., Srinagar. Shri Das will handover his present charge to Shri D.Toshniwal, A.D.E.T. who is ordered for officiating promotion to the cadre of D.E.

Charge reports be sent to all concerned.

*Attested*  
*Advocate*

Sd/- K.S.K. Prasad Sarma  
Asstt. Director Telecom (Staff),  
for Chief General Manager,  
Assam Telecom Circle, Guwahati-7.

## Copy to :-

1. A.D.G. (STG-I) Sanchar Bhawan, New Delhi- 110 001
2. The C.G.M. Telecom, Bihar Circle, Patna.
3. The C.G.M. Telecom, J & K Circle, Jammu.
4. The T.D.M., Guwahati.
5. The A.M.T., Guwahati.
6. The T.D.E., Silchar.
7. Shri P.Lal, D.E. (SBP) O/O T.D.M., Guwahati.
8. Shri G.Ratna Kumar, D.E. (P&A) -do-
9. Shri D.K.Das, T.D.E., Silchar.
- 10-12. P/Fs. of the officers.
13. The A.O. (TA), C.O., Guwahati.
14. Guard File.
15. Spare.

Sd/-Illegible,

31.3.95.

For Chief General Manager,  
Assam Telecom.Circle, Guwahati-7.

Attested.  
Advocate

## Annexure-D.1.

GOVERNMENT OF INDIA  
 DEPARTMENT OF TELECOMMUNICATIONS  
 OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM CIRCLE  
 ULUBARI ::GUWAHATI-781 007.

No. STES-3/16/Pt-I/36 Dated at Guwahati the 24.04.95.

In obedience to the orders contained in this office e Memos No. STES-3/16/Pt-I/33, dtd. 31.03.95 and STES-3/21/110, dtd. 10.04.95, Shri D. Tosniwal has assumed the charge of Silchar SSA on the F/N of 17.04.95. Accordingly Shri Dhirendra Kr. Das, T.D.E., Silchar is struck off from the strength of this Circle w.e.f. 17.04.95 with direction to report for duty as D.E. (Plg.) under G.M.T., Srinagar, J. & K Telecom Circle.

Sd/-S.K.Prasad Sarma),  
 Asstt. Director Telecom (Staff)  
 For Chief General Manager,  
 Assam Telecom Circle, Guwahati-7.

Copy to :-

1. The A.D.G. (SEG-1), Sanchar Bhawan, New Delhi-110 001.
2. The C.G.M.T., J & K Circle, Jammu.
3. The A.M.T., Guwahati.
4. The T.D.E., Silchar with a copy of the letter for delivery under receipt to Sri D.K.Das.
5. Sri D.K.Das, Ex-T.D.E., Silchar.
6. P/F of the officer.
7. Guard file.

Sd/- 24.4.95.  
 For Chief General Manager, Assam Telecom. Circle, Guwahati-7.

Attested  
 Advocate

29.

Annexure-E.

Opd.Days :- Monday  
Wednesday.  
Friday.

Bad No. CCU-2.  
Regd No. 697/94.

H.No. 253232 (9.4.94).

SILCHAR MEDICAL COLLEGE HOSPITAL:SILCHAR.  
SILCHAR CACHAR.

DISCHARGE CERTIFICATE.

Dept.t.of Cardiology,Unit Professor Hospital No.14998  
M.R.D.No.284692,Patient's name Dhirendra Kr. Das,Age  
53 years,Sex M Rel GH.date of Admission 9.10.94 Date  
and time of discharge 16.10.94,disease 'O' Diabetes &  
Hypertension 'C' follow up as advised to report  
again after 15 days result unmove Instructions given over-  
leaf Doctors' signature Illegible

Countersigned  
Sd/-Illegible,  
Designation  
Date 16.10.94  
Time 11.30 P.M.

Full Name  
Dr J.K.Nath,  
Designation H.P.  
Dept.Cardiology Unit Prof  
Ward General.

Attest.  
Advocate.

Annexure-E-1.

MEDICAL CERTIFICATE  
DEPARTMENT OF MEDICINE  
SILCHAR MEDICAL COLLEGE HOSPITAL

REF NO.

HOSPITAL NO. 253232

DATE 25.7.95.

M.R.D.NO.

This is to certify that Sri D.K.Das, aged 53 years is treated as outdoor patient under Medical Unit-4 SMC hospital, from 10.11.94 to till date for "Diabetes Mellitus/C hypertension".

He is advised rest for a period of 1½ (one and a half) months w.e.f. 25.7.95.

He is not fit to resume duty.

Sd/-Illegible,  
25.7.95.  
Department of Medicine,  
Silchar Medical College Hospital

Attested.  
Advocate

Annexure-F.

GOVT OF ASSAM  
REFERRAL BOARDOFFICE OF THE SUPERINTENTENT ENT:: SILCHAR MEDICAL COLLEGE  
HOSPITAL::SILCHAR

MEMO NO. SMCH/16/88/645 Dated Silchar the 5.11.95.

This is to certify that Shri DEBASHIS DAS age 22 years S/o Sri Dhirendra Kumar Das, treated as out door/indoor patient vice Hospital No.277500 dated 4.4.95 in suffering from (.....Illegible) (2 Secondary). He will require further investigation and treatment at C.M.C., Vellore as the facilities is not available within the State of Assam. He may be accompanied with an escord.

This has been approved by the Referral Board, Silchar Medical College and Hospital, Silchar, Assam.

Sd/-Illegible,  
5.1.95.

1. The professor and head of the Department of Surgery, Silchar Medical College and Hospital, Silchar.

Sd/-Illegible,  
5.4.94.

2. The Professor and Head of the Department of Medicine, Silchar Medical College and Hospital, Silchar.

Contd... 32/p.

Attested  
Advocate

Sd/-Illegible,  
5.4.95

3. The Superintendent,  
Silchar Medical College and Hospital, Silchar.

Sd/-Illegible,

4. (Dr. )  
Member, Co.Opted  
(Prof. P.R.Nath Barbhuiya)

Sd/-Illegible,  
5.4.95

Principal & Chairman,  
Referral Board, Silchar Medical  
College Hospital, hungoor, Silch

Attested  
Advocate

## Annexure-F-1.

GOVT OF ASSAM  
 ORDERS OF THE DIRECTOR OF HEALTH SERVICES:ASSAM:GUWAHATI-6  
 NO HSG/CMCH/21/95/ Dated Guwahati the

Shri Debasish Das, S/o Shri Dhirendra Kr. Das, Telecom District Engineer, Silchar is allowed to undergo the necessary medical examination at the Christian Medical College Hospital, Vellore due to his illness from Obesity with Hypertension (7) secondary.

An escort is allowed to accompany him to and from Vellore.

Sd/- Dr. A. R. Basumatary,  
 Director of Health Service, Assam  
 Hengrabari, Guwahati-6.

Memo No. HSG/CMCH/21/95/2453-56 Dated Guwahati the 8.4.95.

Copy forwarded to :-

1. The Medical Superintendent, Christian Medical College Hospital, Vellore.
2. The Chief General Manager, Telecom, Assam Circle, Ulubari, Guwahati.
3. The Telecom District Manager, Engineer, Silchar.
4. Sri Dhirendra Kr. Das, Telecom District Engineer, Silchar, Telecom.

Sd/- 7.4.95.  
 Director of Health Service, Assam,  
 Hengrabari, Guwahati-6.

Attested  
 Advocate

## Annexure-F-2.

DEPARTMENT OF MEDICINE      UNIT 1  
 CHRISTIAN MEDICAL COLLEGE HOSPITAL  
 VELLORE 832004, TamilNadu India.

## Out Patient Clinic Medicine Unit-I.

## MEDICAL REPORT.

Mr. Dhirendra Kumar Das Hospital No.2887178 was seen in the Medical Out Patient clinic on 206/95. On examination his weight was 74 Kg. blood pressure 130/80 mm hg., pulse 84/nt. based on history, physical findings and lab investigations following diagnosis was arrived at.

## (1) Uncontrolled diabetes mellitus.

Following are the results of investigations done

Haemoglobin 14.2 gm%

WBC total 880/cumm

Diff N<sub>o</sub>.75, E5, L19 M1%

LFT Bilirubin total 0.4 direct 0.2

Protein total 7.4 Albumin 4.6

Alk Phos 87 U/L SGPT 27.

Glucose AC 283 mgm%

Glucose PC 309mgm%

Creatinine 0.7 mg% HDL cholesterol 41 mg% LDL Cholesterol 142 mg.

Urine RBC occ. WBC 1-2 Epithcells + Casts nil.

Sugar ++++ Albumin nil.

Cholesterol 218 mg% Triglycerides 174 mg%

URN Vol 24H 1170 ml.

Xray chest normal.

*Atties. ed.*  
*Advocate*  
*Contd.*

35.

Recommendations :-

Tab Daonil 5 mg with breakfast one daily.

2.5 mg with dinner once daily.

Follow up under local physician

Sd/-Illegible,  
For Dr. Dilip Mathai, MD  
Prof and Med Unit-I.

Attested:  
Advocate

Annexure-F.3

DEPARTMENT OF OPHTHALMOLOGY

CHRISTIAN MEDICAL COLLEGE

SCHELL EYE HOSPITAL :: VELLORE

HOSPITAL NO. 702925

June 23, 1995.

TO WHOMSOEVER IT MAY CONCERN.

Mr. Dhirendra Kumar Das was seen in our outpatient department on 21.6.95 and was diagnosed to have glaucoma. Preliminary investigations were done. He was started on Timolol 0.5% BD (RE). He is advised review at Schell eye hospital after 3 months.

Sd/-Dr. Lekha Abraham,  
Registrar-in Ophthalmology

Attested  
Advocate

## Annexure-G.

Registered with A/D.

## DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE TELECOM DISTRICT ENGINEER :: SILCHAR DIVN  
SILCHAR -788 001.

No.E-1/T&amp;P/173

Dt. at SC the 7.6.95.

To,

Shri Dhirendra Kr. Das,  
C/o Bhaskar Bhavan  
Chitta Ranjan Road,  
P.O. Silchar-788 005.

Sub :- Extension of leave case.

You are requested to submit your SR-1, dtd. 30.5.1995 alongwith medical certificate and all others related communication directly to your circle. Because you are already struck off and released from the strength of this circle vide C.G.M.T./Guwahati letter No.STES-3/16/Pt-I/36, dtd. 24.04.1995.

As such SR-1 alongwith Medical Certificate is returned herewith for favour of kind information and necessary action.

Sd/-D.Tosniwal

Enclos:-2(two) sheet

Telecom District Engineer,  
Silchar-788 001.

Copy to :-

1. The A.O. (Cash) O/O the TDE/Silchar for information please.
2. The AMT/GTI for favour of kind information.

Sd/-  
Telecom Dist Engineer,  
Silchar-788001.

*Almora  
for Silchar*

## Annexure- H.

To,

The Chairman,  
 Telecom Commission,  
 Sanchar Bhawan,  
 20, Ashoka Road,  
 New Delhi.

Sub :- Prayer for cancellation of Transfer order.

Ref :- Your Memo No.10/5/94-STG-1 dated ND 6.4.95  
 and my representation dated 6.2.95.

Respected Sir,

I have the honour to bring the following few line for favour of your kind sympathetic consideration and cancellation of my transfer order to J. & K Circle.

That Sir, I was transferred to Gujrat Circle vide your Memo No.11/18/94-STG-1 dated New Delhi 23.1.95 and accordingly I submitted one representation through proper channel endorsing an advance copy to you on 6.2.95, stating my difficulties and problems for favour of your kind sympathetic consideration.

But Sir, even though I expressed my difficulties, on my utter surprise, the transfer order was modified and again posting is give to a far-off difficult circle in J & K vide your Memo No.10/5/95-STG-1, dt. 6.4.95.

That Sir, I am under constant Medical treatment for more than last six months, in this condition, it will not be possible on my part to move in an isolated place, without family.

Contd...39/p.

Attest. Ed.  
 Advocate

Sir, I am at a verge of retirement and yet to arrange marriage of my daughters here in this area only.

That Sir, if I am transferred in this junsture my family will be simply ruined, as there is no other male member in the house.

Moreover my posting at a remote place from home, will deprive me from natural justice, as I will not be able to depend the court cases, which are running in the honourable Courts of this area.

That Sir, vacancies are there in Assam Circle, I therefore, request your kind honour to consider my case sympathetically and to give me a chance in the last part of service to stay with my family for my servibal and to render services to the department, which I did with full-est satisfaction of my superiors during last 30 years, by cancelling the transfer order to J & K Circle and allowing me to work in the Assam Telecom Circle for which act of your kindness, I will remain ever grateful to you.

Thanking you,

Yours faithfully,

Dated 22.5.95.

Sd/-  
(D.K.Das),  
Staff No.03415,

Telecom Dist. Engineer, Silchar.

Attest. Gd.  
H.  
Advocate