

10/100

5

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 29/95.....

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

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

1. Orders Sheet. OA-29/95.....Pg. 1.....to 4.....
2. Judgment/Order dtd. 30/6/95.....Pg. No separate order Disposed.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....29/95.....Pg. 1.....to 25.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....NIL.....Pg.....to.....
8. Rejoinder.....NIL.....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.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO.

29/95

MISC PETITION NO.

(O.A. NO.)

REVIEW APPLICATION NO.

(O.A. NO.)

CONT. PETITION NO.

(O.A. NO.)

R.K. Borgehain

APPLICANT(S)

VERSUS

U.O. 1 & 2.

RESPONDENT(S)

Mr. J.L. Sarkar, Mr. M. Chandra

Advocate for the  
Applicant.

Mr. A.K. Choudhury

Advocate for the  
Respondents

Addl. C.G.S.C.

Office Note

Court Orders

23.2.95

24.2.95

This application is in  
form and within time  
C. F. of Rs. 50/-  
deposited vide  
IPO/BD No. 80388332  
Dated 23.2.95

*[Signature]*  
24.2.95  
w/ [Signature] (1)  
[Signature]

Mr J.L.Sarkar learned counsel  
for the applicant moves this appli-  
cation. The grievance is against the  
transfer from Guwahati to Khunsa  
Seismic Station, Arunachal Pradesh.  
Learned Addl.C.G.S.C Mr A.K.Choudhury  
appears for the respondents.

Issue notice to the respondents  
by registered post to show cause as  
to why this application should not be  
admitted and the prayer sought for  
should not be allowed.

List on 24.3.1995 for show  
cause and consideration of admission.

Heard counsel on the interim  
relief prayer. It is seen that the  
applicant has submitted representatio-  
n dated 6.2.95 to the Director,  
Regional Research Laboratory, Jorhat  
and it is pending disposal. The fact  
that the applicant has submitted  
this application before this Tribunal  
should not be a bar for the respon-  
dents to dispose of the representa-  
tion of the applicant dated 6.2.95

OFFICE NOTE

COURT ORDERS

24.2.95

on merit. Till the disposal of this representation dated 6.2.95 by the respondents or 24.3.95, which ever is later, the respondents are directed ~~to~~ not to implement the transfer order dated 1.11.94 (Annexure-1B). On the prayer of Mr Sarkar, the applicant is allowed liberty to furnish additional ground to his representation dated 6.2.95 on account of children education so as to reach respondent No.2 within 7 days from today in order to enable him to consider this problem also while disposing of the representation.

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

Member

pg

24.3.95

Mr J.L.Sarkar for the applicant.  
Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

Mr Choudhury states that he has received instruction to seek for 8 weeks time to file show cause and written statement. Mr Sarkar has no objection.

List on 26.5.1995 for show cause and consideration of admission.  
The interim order dated 24.2.95 shall continue.

Member

*Order is sent to counsel  
of parties vide M.1096-97  
d. 8.3.95*

*Requisites are met  
8 p.m. vide M.1086-84  
d. 8.3.95*

*Notice duly served on  
R.M. 1, 3 & 4.*

26.5.95

Learned counsel Mr J.L.Sarkar is present for the applicant. Learned Addl. C.G.S.C Mr A.K.Choudhury is also present for the respondents.

Learned counsel Mr J.L.Sarkar submits that the applicant had submitted a representation dated 28.2.95 before the respondents as given liberty on 24.2.95 and it is pending disposal by the respondents. Learned Addl.C.G.S.C states that the respondents have referred the case of the applicant before the Medical Board and it is expected that its report will be received soon.

Heard counsel of both sides. No show cause has been filed by the respondents till now. In the circumstances question of admission is taken up. Perused the statements of grievances and reliefs sought for in this application. The application is admitted. Respondents already served. Four weeks time is granted to respondents to submit written statement.

~~As requested by both sides the case requires urgent hearing and it is to~~

Both sides submit that the hearing may be fixed on 30.6.95 as the case requires expeditious disposal and that in the meantime written statement may be filed by the respondents. Accordingly hearing is fixed on 30.6.95 by consent of both sides. Respondents will submit written statement with copy to the applicant before due date of hearing.

List for hearing on 30.6.1995.

Copy of this order may be furnished to the counsel of both sides.

Order 8, 26.5.95 (SND)  
to parties v. no. 2481-82  
dt. 15.6.95

1/6/95

O.A. 29/95

O.A. 29/95

1) W/statement- his not  
sen bill.

28/6  
29/6

6.7.95

copy of order dtd.  
30.6.95 issued to  
all concerned by  
Regd. Post vide D/O  
2936-41 dtd. 12.7.95.

g/b.

Learned counsel Mr R.C. Barpatra Gohain for the applicant is present. Learned Addl.C.G.S.C Mr A.K. Choudhury submits written statement today with copy to Mr R.C. Barpatra Gohain. It has been submitted that the applicant has got his relief in terms of order No. RLJ-19(67)-Vig/95 dated 28.6.95 (Annexure A to the written statement) issued by Section Officer, Regional Research Laboratory, Jorhat. Applicant's transfer from Guwahati to Khonsa has been revoked and he has been posted back to Guwahati. The application has therefore become infructuous and it is disposed of as infructuous.

6

In the Central Administrative Tribunal, Gauhati Bench,  
Guwahati.

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

O.A. No. 29 /1995

Shri Ranendra Kumar Buragohain

... Applicant

- Vs -

Union of India & Ors.

... Respondents.

<u>Sl. No.</u>	<u>Particulars</u>	<u>I N D E X</u>	<u>Annexures</u>	<u>Page</u>
1.	Copy of the transfer order dtd. 9.9.94	..	I A	14
2.	Copy of the office memoren- dum dtd. 1.11.94 issued by the Controller of Adminis- tration, transferring the applicant to Khunsa	..	I B	15
3.	Copy of the letter of inti- mation dtd. 7.11.94 issued by the applicant	..	2 A	16
4.	Copy of the application dtd. 9.1.95 filed by applicant for commuted leave	..	2 B	-17-
5.	Copy of the application dtd. 9.1.95 filed by applicant for commuted leave	..	2 C	18
6.	Copy of the Medical certificate dt. 7.11.95 issued by Dr. K.K. Saikia	- 2 B		- 19 -
7.	Copy of medical certificate dt. 12.12.94 issued by Dr. K.K. Saikia	- 2 E		- 20 -
8.	Copy of medical certificate dt. 4.2.95 issued by Dr. J.C. Barkakaty	- 3		- 21 -
9.	Copy of the appeal dt. 7.2.95 filed by the applicant	- 4		22 -25

Ranendra Kumar Buragohain  
Advocate  
R.C. Bagbaragohain  
Advocate  
23.2.95

Received copy  
R.R. Choudhury  
23/2/95

1. Particulars of the Applicant :

Shri Ranendra Kumar Buragohain  
son of Shri Harendra Kumar Gohain  
presently working as Junior Technical  
Assistant, Regional Research Laboratory,  
Jorhat -6, Assam.

2. Particulars of the Respondents :

i) Union of India, represented by the  
Director, Regional Research Laboratory,  
Jorhat-6, Assam.

ii) The Director, Regional Research Laboratory,  
Jorhat-6, Assam.

iii) The Controller of Administration,  
Regional Research Laboratory, Jorhat-6,  
Assam.

iv) The Scientist, Geo-Science Division,  
Regional Research Laboratory,  
Jorhat-6, Assam.

v) The Administrative Officer,  
Regional Research Laboratory,  
Jorhat-6, Assam.

3. Particulars for which the application is made :

i) Office order No. RLJ/GEOSC/94 dt. 1.11.94  
issued by the Controller of Administration, Regional  
Research Laboratory, Jorhat, Assam, transferring

the ...3/

the applicant to Khunsa, Seismic Station, Arunachal Pradesh, thereby subjecting the applicant to frequent transfer and with malafide intention.

ii) Office memorandum No. PRLJ/Geosc/94 dt. 3.1.95 issued by the Controller of Administration, Regional Research Laboratory, Jorhat, directing the applicant to proceed to Khunsa immediately failing which he would be subjected to disciplinary action.

4. Jurisdiction of the Tribunal :

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

5. Limitation :-

The applicant further declares that the application is filed within the period of limitation as required under Section 21 of the Administrative Tribunal Act, 1985.

6. Brief facts of the case :

i) That the applicant begs to state that since the day of his joining to service in the Regional Research Laboratory, way back on 18.3.80 as Junior Laboratory Assistant at Jorhat, the applicant has been subjected to

frequent ...4/



- 4 -

frequent transfers and to be more specific on 23.10.81 he was transferred from Jorhat to Kohima, Nagaland and after he served therein at Kohima for about  $3\frac{1}{2}$  years, he was again transferred therefrom to Guwahati on 5.2.85. The applicant was again transferred from Guwahati to Jorhat on 18.6.92 and immediately thereafter about 2 years of his service therein, he was again transferred on 9.9.94 to Guwahati for 3 months temporarily on tour basis. Finally vide the order dtd: 1.11.94, the Controller of Administration. Regional Research Laboratory, Jorhat transferred the applicant again from Guwahati to Khunsa, Arunachal Pradesh, thereby subjecting the applicant to consistent mental agony and tension besides physical sufferings.

A copy of the transfer order dtd. 9.9.94 and order dtd. 1.11.94 are annexed herewith and marked as Annexures- I A & IB.

ii) That the applicant begs to state that immediately before his transfer to Guwahati on 9.9.94 the applicant has lodged a complaint on 30.8.94 before the A.D.C. (Supply) Jorhat, in the capacity of a Registered Shareholder bearing registration No. 578 dtd. 12.1.81, against the ongoing malpractices in dealing with the essential commodities such as rice, sugar, kerosine oil by the Secretary

and....5/

and the Treasurer of the JRL Co-operative Consumers Stores. On the basis of that complaint the concerned authorities raided and seized all the documents and found lot of irregularities . A case has been registered as a Special Case No. 6/94 and the same is pending before the appropriate authority at Jorhat. The high handed vested interest directly involved in that malpractice, just to save their skin, in an arbitrary way and with malafide intention immediately transferred the applicant to Guwahati on tour basis on 9.9.94 (Annexure-IA) . It may be stated that as the applicant did not yield to the pressures vested upon him for withdrawing the application, on the basis of which the afore-said case has been registered, the applicant is subjected to frequent transfer so that the applicant fails to appear before the competent authority, entertaining the complaint of applicant, on the dates fixed for hearing. This is a clear proof of malafide intention of the respondent in subjecting the applicant to frequent transfers.

iii) That the applicant begs to state that as the applicant has been suffering from mental agony and tensions that arose out of the illegal and intentional harassment as stated herein above,

excer...6/

exercising the jurisdiction and power in an illegal manner giving a good bye to all the norms and procedures set by law, the health of the applicant gradually deteriorated. On consultation, the doctor first advice the applicant to take rest for 6 weeks and thereafter for another 4 weeks, as he didnot show any improvement. The applicant has been communicating this development to the concerned authorities from time to time in writing supported by medical certificates issued by the doctors on 7.11.94 and 12.12.94 . The applicant informed the concerned authorities through a letter dtd. 7.11.94 addressed to the Head of the Division, Geo- Science, RRL, Jorhat with copy to all concerned authorities informing about the illness supported by the medical certificate dtd. 7.11.94. Later on vide his application dtd. 23.11.94 applied for commuted leave purely on medical ground . Further vide his application dtd. 9.1.95, the applicant requested for granting commuted leave for another 6 weeks, a medical certificate issued to that effect has also been attached thereto.

A copy of the letter of intimation dtd. 7.11.94, application dtd. 23.11.94 and application dtd. 9.1.95 and medical certificate dtd. 7.11.94 and 12.12.94 are annexed herewith and marked as Annexures- 2A, 2B, 2C 2D and 2E respectively.

iv) That the applicant begs to state that because of the mental agony and tensions as referred to herein above, the applicant developed heart trouble as is evident from the ECG report. It may be mentioned that as per the advice of the physicians extending treatment to the applicant and as he didnot show any improvement the applicant consulted with Dr. J.C. Barkakaty, Associated Professor of cardiology, Gauhati Medical College, who in turn after analysis the reports of examination the applicant was directed to undergo, finally opined that the applicant developed the disease of heart. As such vide his certificate dtd. 4.2.95 advised the applicant to take complete rest for another month. Now the applicant is under his treatment but without any improvement.

A copy of the medical certificate dtd. 4.2.95 is annexed herewith and marked as Annexure-3.

v) That the applicant begs to state that regarding the malpractices in the JRL Co-operative Consumers Stores, as is referred to herein above may of the news have been published by some popular dailies of the State. The vested interest group doubt the applicant to be the source of information which has already been denied and clarified by the applicant vide his letter dtd. 9.12.94. Nothing also could be proved in affirmative as yet. But to translate the vergence upon the applicant, without any rhyme or reason and with a malafide intention the applicant has been subjected to frequent transfers.

Contd...8/

vi) That the applicant begs to state that an interview was held at RRL, Jorhat, on 25.10.94 for promoting some Technical Assistants to the post of Senior Technical Assistants with retrospective effect from 1986. The applicant was also eligible to that promotion. No calling letter has been procedurally issued to the applicant definitely with a malafide intention to deprive the applicant from appearing for the said interview. Be it stated that, with a view to depriving the applicant he has already been transferred to Gauhati on tour basis on 9.9.94. However, somehow or rather the applicant appeared for the interview. The applicant is confident that he has done best performance in that interview. But the selection committee was forced by the high handed authority to drop the name of the applicant from the selection list. Ultimately the name of the applicant has been dropped therefrom, which the applicant came to know from a very reliable source. As a result of this many of his juniors have been promoted superseding the applicant. As the applicant has been raising protest in this regard, with the malafide intention, the applicant is subjected to illegal harassment taking resort to frequent transfers as referred to herein above.

vii) That the applicant begs to state that on the basis of his seniority, the applicant is entitled to a C-type quarter. But in spite of repeated request

also...9/

also the applicant has not yet been provided with even a B or A type quarter, though lot of quarters are lying vacant. The concerned authorities ~~are~~ right from the very begining in the pretext of transferring the applicant, that to with malafide ~~i~~ intention and high ~~xxxx~~ frequency, have not provided any quarter to the applicant.

viii) That the applicant begs to state that the malafide intentions of the respondents subjecting the applicant to too frequent transfers also results into discriminatory treatment. It may be stated that there is no such instance saving the instant case of transfer of the applicant, of transferring any ~~innumerable~~ employee with such frequency. There are innumerable examples of employees who are not subjected to any transfer, even if transfer is an incidence of service. The applicant is thereby subjected to discriminatory treatment in terms of transfers and also of promotion.

ix) That the applicant begs to state that Khunda in Arunachal Pradesh is a very remote and interior place and station wherein accomodation is very rare to get. In addition to that no medical facilities are available wherein it will not be practicable to get any intensive care from a heart specialist as is required to the applicant.

Further...10/

Further as is evident, Khunsa is a dead station of RRL (under Geo-Science Division) since long. It will be very risky on the part of the applicant to proceed to Khunsa, he being a heart patient and undergoing treatment under an expert heart specialist (Annexure-3).

x) That the applicant begs to state that the applicant, failing to get any justice from the concerned authorities, filed an appeal to the Director, Regional Research Laboratory, Jorhat on 7.2.95 ventilating all his grievances and his physical inability praying to stay the operation of the transfer order dtd. 1.11.94 purely on the grounds stated therein. Be it stated that during his entire service life the applicant has been moving on transfer from one place to other though frequently without any objection, as will be evident from the official records.

A copy of the appeal dtd. 7.2.95 is annexed herewith and marked as Annexure - 4.

7. Reliefs sought for :-

In the facts and circumstances the applicant prays for the following reliefs :-

a) That the impugned order No. RLJ/GEOSC/94 dated 1.11.94 issued by the Controller of Administration, Respondent No.3 may be set aside and quashed in the interest of natural justice.

Contd...11/

b) That the applicant, being a heart patient, be allowed to continue in service either at Guwahati or at Jorhat, to enable him to avail the medical treatment as is required in his case.

c) That the act of the respondents in subjecting the applicant to frequent transfers with malafide intention in an arbitrary and purely discriminatory manner be declared as illegal.

The above reliefs are sought for on the following amongst other -

G R O U N D S

- i) For that the act of the respondents in subjecting the applicant to mental agony and tension, taking resort to frequent transfers is highly arbitrary, malafide and illegal.
- ii) For that the acts of the respondents in singling out the applicant and subjecting him to discriminatory treatment by frequently transferring him is bad in law and liable to be declared illegal being violative of Articles 14 and 16 of the Constitution of India.
- iii) For that the act of the respondent s in subjecting the applicant to frequent transfers is absolutely with malafide intention and is illegal and un-constitutional being violative to the existing norms and procedures.



- iv) For that the act of respondent No.3 in threatening the applicant to ~~discriminatory~~ disciplinary action if failed to move to Khunsa, completely ignoring the health condition of the applicant, is vindictive, arbitrary besides being illegal.
- v) For that the act of respondents in singling out the applicant and subjecting him to frequent transfer, is with malafide intention and amounts to biasness.

8. Interim relief sought for :-

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

That the impugned transfer order dtd. 1.11.94 (Annexure- 1B) may kindly be stayed . Further the respondents may be directed not to transfer the services of the applicant till the disposal of the application.

The above interim relief is prayed for on the grounds stated in paragraph 7 herein above.

9. The applicant declares that he has not filed any other application/case in any other Tribunal/Court.

10. The applicant has represented before the authorities. However there is no remedy on that under any service rules and the remedy sought for before this Tribunal would be the only and appropriate remedy.

11. Particulars of Postal order :-

No 803-883332 Dt. 23.2.95

12. An index showing the particulars of documents enclosed :

13. Documents :

As per index.

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

I, Shri Ranendra Kumar Buragohain, aged about 46 years, son of Shri Harendra Kumar Gohain, verify that the statements made in paragraphs 1 to 13 of this application are true to my knowledge and that I have not suppressed any material facts.

Ranendra Kumar Buragohain

Signature

- 14 -

Annexure - 1 A

101

REGIONAL RESEARCH LABORATORY, JORHAT, ASSAM

No. RRLJ/Geosc/94

Dated 9th Sept., 1994

OFFICE MEMORANDUM


It is for information to all concerned that the competent authority is pleased to transfer the following staff members as shown against their names for a period of 3(three) months with immediate effect :

<u>Name</u>	<u>Place of posting</u>
1. Sri R.K. Buragohain, Tech. Asstt., RRL, Jorhat	RRL Seismic Station, Guwahati
2. Sri Dulal Sahu, Project Assistant, RRL Seismic Station, Guwahati	RRL Seismic Station, Yongyimsen, Nagaland

They are requested to take over/hand over their charges immediately and the same may be communicated to this office.

This temporary transfer order of the above persons will be treated as on tour.

This issues with the approval of the competent authority.

  
 ( S.N. Bhagawati )  
 Administrative Officer  
 Regional Research Laboratory,  
 Jorhat 785005 (Assam)

To

1. Sri R.K. Buragohain,  
Tech. Asstt.,  
Geoscience Division,  
RRL, Jorhat
2. Sri Dulal Sahu,  
Project Asstt.,  
RRL Seismic Station,  
Durga Sarobar,  
Guwahati - 9

Copy to :-

1. Head, Geoscience Division
2. Controller of Administration
3. Director of Geoscience
4. Bill Section
5. Personal file
6. P.S. to Director

  
 ( S.N. Bhagawati )  
 Administrative Officer

Handled  
 [Signature]  
 [Signature]

REGIONAL RESEARCH LABORATORY;; JORHAT

.....

No.RLJ/GEOSC/94

Dated 01.11.94

OFFICE MEMORANDUM

In Pursuance of O.M. of even number dated 09.09.94, the Competent Authority of RRL, Jorhat has been pleased to transfer Shri R K Buragohain, Technical Assistant to Khunsa Seismic Station. He will be responsible to revitalise the activities of the sub-station and will be responsible for its management. The activities of the sub-station will, however, be reported to the Head, Geo-science Division, RRL, Jorhat.

He will be entitled for T.A. etc. as per TTA rule. Sri Buragohain should proceed immediately to Khunsa sub-station and submit the joining report through the Head, Geo-science Division immediately.

This order comes into force with immediate effect.

( P P Bhattacharjee )  
Controller of Administration.

Controller of Administration  
Regional Research Laboratory  
Jorhat 785001 (Assam)

To

Shri R K Buragohain  
Technical Assistant  
Care Dr.H K Gohain  
Milanpur  
East  
Bamunimaidan P O  
Guwahati 21

Attested  
C. K. Gohain  
A. K. Gohain

Date: 7-11-94.

7.11.94

To,

The Head of Division,  
Geo-Science, R.R.L. Jorhat,  
Assam.

Sub:- An information for my sickness.

Sir,

With due respect, I want to inform you that I am suffering weakness severely and here I am enclosing a Medical Certificate from Dr. K.K. Saikia relating to my sickness.

With regards,

Yours faithfully,

( R. K. Buragohain )

Geo-Science Divn.

Copy to:-

1. Head of the Division,  
Geo-Science.
2. C.O.A.
3. A. O.

A Hated  
C. H. L.

- 17 -

Amr. 10/11/94 - 2 B

22

<sup>Nov</sup>  
Date: 23th. Dec./'94.

To

The Administrative Officer,  
R.R.L. Jorhat.

Through Head of the Division  
Geo-Science.

Sub:- An earnest request for granting commuted leave  
from 2nd Nov./'94 to 16th Dec./'94.

Sir,

With reference to your letter dtd. 15-11-94  
which I have received on 21-11-94, I want to inform  
you that my leave from 2nd Nov/94 to 16th Dec./94 should  
kindly be treated as commuted leave on purely Medical  
ground.

With regards.

Yours faithfully.

Copy to:-

The Head of Geo-Science  
Division.

R. K. Buragohain 23/11/94  
Geo-Science RRL, Jorhat.

Asst-Ed  
M. L. Ca  
A. W.

Date: 9-01-95.

To  
The Administrative Officer,  
R.R.L. Jorhat, Assam.

Subj:- An earnest request for granting Commuted leave  
for another six weeks on Medical ground.

Through the Dr. M.M. Saikia,  
Head of the Geo-science Divn.

Sir,

With due respect I want to inform you that I want  
the extension of another six weeks of commuted leave on  
purely medical ground & I will not join <sup>at</sup> Khonsa (Arunachal  
pradesh) at any cost. So, your kind consideration & co-  
operation is highly required. Here enclosing a copy of  
medical certificate.

Thanks.

With regards,

Yours faithfully,

*R. K. Boragohain*  
( R.K. Boragohain)

Geo-science Divn.  
R.R.L. Jorhat.

Copy to:

Dr. M.M. Saikia,  
Head of the Geo-science Divn.  
R.R.L. Jorhat.

*Attested  
Circular  
File*

Dr. Kuldip Kumar Saikia  
M.B.B.S., D.L.O., M.S.  
T.C.T.P., Fellow in MCH Liverpool (UK)  
Senior Medical & Health Officer, AHS.

From : 6 P.m.—8 P.m.  
CHAMBER—Pharmacare.  
O.S. Road Guwahati.  
Residence—Krishnanagar  
Chandmari, Ghy—3  
TEL.—550757

This is to certify that Shri Ranendra  
Kumar Boraogochari is under my care  
since the 1st of November 84 for peptic  
ulcer syndrome & melena. He is advised  
rest for a period of 6 weeks for complete  
recovery.

Dr. K. S.  
21/11/84

Senior Medical & Health Officer  
T.C. T. Guwahati St. Dispensary

AH-1-2  
Chandmari  
AHS



Annexure-2E

Dr. Kuldip Kumar Saikia  
M.B.B.S., D.I.O., M.S.  
T.C.T.P., Fellow in MCH Liverpool (UK)  
Senior Medical & Health Officer, AHS.

From : 6 P.m.—8 P.m.  
CHAMBER—Pharmacare,  
G.S. Road Guwahati.  
Residence—Krishnanagar  
Chandmari, Ghy—3  
TEL—550757

This is to certify that Mr. Ranendra  
Kumar Boragoin is suffering from  
peptic ulcer symptoms with malena since  
2nd Nov 94 has not yet got fully recovered  
so he is advised to rest for a further  
period of 4 weeks

Dr. K. K. Saikia  
12/12/94  
Senior Medical & Health Officer  
No. 1, P. O. Guwahati, Assam

Attended  
Under  
Adv.

Dr. J. C. Barkataki

M.B.B.S., M.D. (Medicine); D.M. (Cardiology—Vellore)

Associate Professor of Cardiology

Gauhati Medical College

Resi—Krishnanagar, Chandmari

GUWAHATI-781 003

Tele : 551183

Date 4/2/95

This is to certify that Sri R. K. Bora -  
 physician has been suffering from <sup>HB</sup> acute  
 ischaemic heart disease and conduction  
 disease of heart and is undergoing  
 treatment due to the gravity of his  
 illness I have advised him rest  
 for a period of 30 (thirty) days  
 with 5/2/95 to 6/3/95.

*[Signature]*

(Dr. J. C. Barkataki)  
 - 4/2/95

Attestd.  
*[Signature]*

To

The Director,  
Regional Research Laboratory,  
Jorhat-6, Assam.

Date: 07-02-95.

Subject:- An appeal for staying the operation of the order dtd.1.11.94 issued by Controller of Administration, R.R.L., Jorhat, transferring the undersigned to Khonsa. (Arunachal Pradesh.)

Sir,

I have the honour to draw your kind attention to the following few points and to consider my case with due heed and sympathy.

1. That Sir, since the day of my joining in this organisation way back on 18.3.80 as Junior Lab/Asstt. at Jorhat, I have been subjected to frequent transfers and to be more specific on 23.10.81, I was transferred from Jorhat to Kohima, Nagaland and after I served therein at Kohima for about 3-1/2 yrs. I was again transferred therefrom to Guwahati on 5-2-85. I was again transferred from Guwahati to Jorhat R.R.L. on 18-6-92 and immediately after about (two) 2 yrs. of my service therein, I was again transferred on 9.9.94 to Guwahati for 3 months temporary transfer on tour basis. Finally, vide the order dtd.1.11.94 by the C.O. of R.R.L., Jorhat, I am again transferred to Khonsa (Arunachal Pradesh) subjecting me to consistent mental agony and tension besides physically suffering.

2. That Sir, immediately before my transfer to Guwahati on 9.9.94, I have lodged a complaint before the ADC (Supply) Jorhat, as a registered share holder bearing the registration No. 578 dtd.12.1.81 in connection with the on-going malpractices in dealing with the essential commodities, items such as rice, sugar, K/Oil by the Secretary and Treasurer of the J.R.L. Co-operative consumers Stores on 30.8.94. On the basis of that complaint the concerned authorities raided and seized all the documents and found lot of irregularities. The case is pending before the appropriate authority at Jorhat. The high-handed vested interest directly involved in that malpractices, just to save their skin, in a very mala fide and arbitrary way transfer me to Guwahati on tour basis on 9.9.94. Lots of pressures, from many quarters, have been exerted upon me to withdraw the aforesaid complaint. As I declined to withdraw the same, I am subjected to frequent transfer immediately thereafter first to Guwahati then again to Khonsa on 9.9.94 and 1.11.94 respectively, so that I may fail to appear before the competent authority that entertained my complaint on the

Accepted  
C.O.  
Jorhat

dates fixed for the same. This is a clear proof of malafide intention in subjecting me to frequent transfers. 28

3. That Sir, as because I have been suffering from mental agony and tension that arose out of illegal and intentional harassment as stated herein above, my health is deteriorated. On consultation, the doctor advised me to take rest for 6 weeks and thereafter for another (four) 4 weeks as I did not show any improvement. I have been communicating this development from time to time to the concerned authorities along with medical certificates dtd. 7.11.94 and 12.12.94. I am also prayed through an application dtd. 9.1.95 that the transfer order dtd. 1.11.94 transferring me to Khonsa, be kindly stayed on the above ground. But I am further directed to proceed to Khonsa completely ignoring my ill health.

It is pertinent to mention that Khonsa is a very remote and interior place and station in Arunachal Pradesh, where the accommodation is very rare to get. In addition to that medical facilities are not available as is required in my case which will be evident from the medical records I am enclosing herewith.

4. That Sir, because of the mental agony as referred to herein above, I developed heart trouble as is evident from the ECG report. It may be mentioned that, as per advice of the Physicians who were extending treatment to me and as I did not show any improvement, I consulted with Dr. J.C. Borkatki Associated Professor of Cardiology, Guahati Medical College, who in turn after analysis of the reports of the examinations I was directed to undergo treatment, finally opined that I developed the disease of heart. As such I am advised <sup>to take</sup> complete rest for another one month.

A copy of the medical certificate dtd. 4.2.95 is annexed herewith as Annexure- X 1.

5. That Sir, regarding the malpractices in the JRL Co-operative Consumers Stores, many of the news have been published by some popular dailies. The vested interest group doubts me to be the source of informations, which I strongly denied vide my letter dtd. 9.12.94. There is also no proof that I am responsible for those publications. But to translate the vengeance upon me without any rhyme or reason and with a malafide intention I am subjected to frequent transfers.

contd/3

6. That Sir, many of my juniors have been promoted to the post of Senior Technical Assistant, V. S. T. 1986. An interview was held at Jorhat R.P.L. at conference hall on 25-10-94 to which the calling letter to me was not procedurally issued, definitely with a malafide intention to deprive me from appearing for the interview that held on 25-10-94. However, somehow or rather I appeared for the interview. I am confident that I have done best performance in that interview. But the Selection Committee was forced by the high-handed authority with malafide intention to drop my name from the Selection list and ultimately <sup>my name</sup> has been drop and depriving me from ~~the~~ getting promotion to the post of Senior Technical Assistant which I came to know from reliable sources. As a result of this, many of my juniors superceeded me. I have been raising protest in this regard, for which with malafide intention, I am subjected to illegal harassment taking resort to frequent transfer as referred to herein above.

7. That Sir, on the basis of my seniority I am entittled to a C- Types quarter. But I ~~am~~ not as yet been provided with even a B or A types quarter inspite of my repeated request, even though ~~my~~ lots of quarters were lying vacant in that time. The malafide intention is quite evident therefrom and I have been subjected to frequent transfer.

8. That Sir, I being a heart patient resulting from the mental agony and tensions at this stage, it will be difficult on my part to proceed to Khonsa (Arunachal Pradesh) wherein not to speak of getting ~~the~~ intensive care from heart specialist even the ordinary medical facilities are also not available. Further as is evident, Khonsa is a dead station of R.R.L. (under Geo-science Division) since long. There is no suitable accomodation with even minimum facilities are available, it will be very risky on my part being a heart patient to proceed to Khonsa (Arunachal Pradesh).

Affected  
Conclude,  
All

Under the above circumstances, I pray your honour to graciously be pleased to consider my case with due sympathy and further be pleased to stay the operation of the transfer order dtd. 1.11.94 issued

contd/4

by the Controller of Administration  
and allow me to stay either at  
Guwahati or at Jorhat considering  
my ill health and for this I shall  
ever pray.

Yours faithfully,

R. K. BURAGONAIN

Tech/Asstt.

Geo-Science Divn.

R.R.L., Jorhat.

Copy to:-

1) To Dr. M.M. Saikia,  
Head of Geo-Science Divn.  
R.R.L., Jorhat.

2) C.O.A. R.R.L., Jorhat.

3) A.O., R.R.L., Jorhat.

Director, R.R.L.

JORHAT - 6

Assam

7.02.95

7.02.95

Atm. f. st  
@m. f. st  
Atm. f. st