

30/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 118/95

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SECTION OFFICER (Judl.)

kalita
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

✓ ORIGINAL APPLN.NO.: 118 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.
REVIEW APPLN. NO. OF 1995 (IN OA NO.
MISC. PETN. NO. OF 1995 (IN OA NO.

..... P.K. Baruah APPLICANT(S)

..... U.O. P. E. M. A. RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. B.K. Sharma.
MR. B. ...
MR. S. Sarma.

FOR THE RESPONDENTS

...MR. G. Sarma
Addl. C.G.S.C.

OFFICE NOTE

DATE

ORDER

30.6.95

This application is in
form and within time.
C. F. of Rs. 50/-
deposited vide
IPO/BE No. 884374
dated 17.6.95

for [Signature] 29/6/95

Learned counsel Mr B.K.Sharma for the applicant. Learned Addl.C.G.S.C Mr G.Sarma seeks to appear for the respondents.

The applicant is a civilian employee under the Military Engineering Services. He has been transferred to Guwahati on compassionate ground on 11.10.89. He has been transferred out from Guwahati vide order dated 26.10.94 issued by HQ CE EC, Calcutta and consequent to this order the movement order dated 19.6.95 (Annexure-3) has been issued by the CWE(AF), Guwahati respondent No.3. In this application the applicant has alleged malafide and violation of rules and guidelines. It has been stated that even his representation had not been forwarded or considered.

The application is admitted. Issue notice on the respondents by registered post. Learned Addl.C.G.S.C, Mr G.Sarma has received copy of this application and seeks six weeks time to file written statement.

contd...

30.6.95

List on 11.8.1995 for written statement and further orders.

Heard counsel of the parties on the interim relief prayer. Issue-notice on the respondents to show cause as to why the interim relief prayer should not be allowed. Returnable on 14.7.1995. Pending disposal of the show cause the operation of the order dated 19.6.95 (Annexure-3) is stayed. Consequently the respondents shall allow the applicant to continue in his present place of posting until further orders.

Recd in the Section at 4.45 PM

38/6/95

Issue the copy of order

to the L/A immediately

31/7/95

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

List on 14.7.95 for show cause and further orders.

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

pg

Requisites are yet to be received.

Member 30/6/95

order of 30.6.95 (sent pg

to canal v. no. 2822 d. 2.7.95

11.7.95

Counsel of the parties are present.

Learned Addl.C.G.S.C Mr G.Sarma submits that copies of application have not been ^{submitted} on him. It is seen that requisites have ^{been} ~~not~~ issued by office on 4.7.95. The office is directed to supply photo copies of the application to the Addl.C.G.S.C during the course of the day in order to enable him to take necessary action.

List on 14.7.1995 as fixed earlier.

Member

3

14.7.95

The O.A. has been listed for show cause on interim prayer and further order today. Learned counsel Mr B.K.Sharma for the applicant and learned Addl.C.G.S.C Mr G.Sarma for the respondents are present.

Show cause has been submitted today by the respondents with copy to the counsel of the applicant. Mr B.K.Sharma prays for extension of the interim order atleast for one week more. This is vehemently opposed by learned Addl.C.G.S.C. Heard counsels on the interim relief prayer.

The applicant prays in this O.A. for an interim order to suspend the order of transfer dated 19.6.95 (Annexure-3) with further direction to respondents to allow him to continue in his present place of posting until such time he is posted to his choice place of posting. On 30.6.95 the operation of the order dated 9.6.95 (Annexure-3) was stayed pending disposal of the show cause as to interim relief prayer and consequently the respondents were directed to allow the applicant to continue in his present place of posting until further orders. Perused the show cause submitted by respondents today. The applicant was transferred to Jorhat from Guwahati and against that order he has submitted representation dated 21.11.94 to the Chief Engineer, Eastern Command. His representation had not been accepted by the CE, EC and he was directed to move within 10.3.95. It has been stated in para 5 of the show cause that the applicant submitted an application requesting for issuing of his movement order by last week of May or first week of June 1995 according to his representation dated 22.3.95 (Annexure-C) to the show cause. Having heard the counsels on the question of granting interim relief prayer and considering the fact that the movement order dated

14.7.95

dated 19.6.95 was issued on the basis of the request of the applicant himself, it is considered that there is no justifying reason for extending the period of the interim order dated 30.6.95. The interim order dated 30.6.95 is accordingly vacated hereby.

Learned counsel for the applicant submits for early hearing of the application. Learned Addl.C.G.S.C. prays for 10 days time for submission of written statement.

List on 28.7.1995 for hearing and in the meantime the respondents will submit the W/S with copy to the counsel of the applicant.

11.12.95

Copy of Judg./Order
dtd. 22.9.95. issued
to the counsel of
the parties vide
D/No. 5299-5300
Dtd. 15.12.95.

gk.

Order from counsel of
parties dated 30.6.95-66
2.19.7.95

13/7

P9

Shows cause has been
filed at page No. 28-34

19/7

15.9.95

Mr B.K. Sharma, learned counsel
for the applicant and Mr G. Sarma, Addl.
C.G.S.C. for the respondents are present.

Arguments of both the counsel
heard and concluded. Judgment reserved.

Member

1) Service Reports are
still awaited.
2) W/statement has not
been filed.

P9

27/7

18/7

31-8-95

22.9.95

Mr G. Sarma, the learned Addl.C.G.S.C. is present for the respondents.

Order pronounced. The application is disposed of in terms of the direction indicated in the order. No order as to costs.

Member

W/S submitted
on behalf of the respondents.

gk.

P9

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

O.A. NO. 118 of 1995.
~~X.XXXXXX~~

DATE OF DECISION 22-9-1995.

Sri P.K.Baruah

(PETITIONER(S))

Shri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Shri G.Sarma, Addl.C.G.S.C.

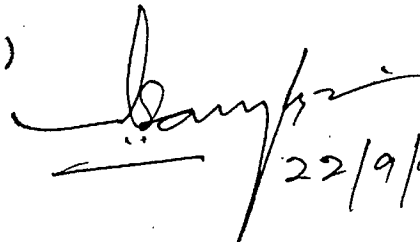
ADVOCATE FOR THE
RESPONDENT (S)

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

~~XXX XXXXXX~~

1. Whether Reporters of local papers may be allowed to see the Judgment ? yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? NO
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (A)


22/9/95

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

O.A. NO. 118 of 1995.
~~X.XXXXXX~~

DATE OF DECISION 22-9-1995.

Sri P.K.Baruah

(PETITIONER(S))

Shri B.K.Sharma.

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PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Shri G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

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

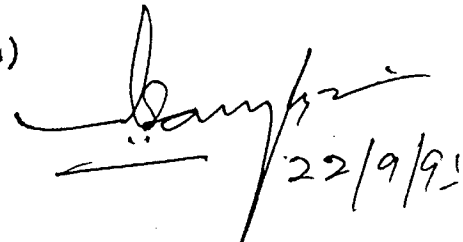
~~XXX XXXXXX~~

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

yes

NO

Judgment delivered by Hon'ble Member (A)


22/9/95

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 118 of 1995.

Date of Order : This the 22nd Day of September, 1995.

Hon'ble Shri G.L.Sanglyine, Member (Administrative)

Shri Pradip Kumar Baruah,
Supervisor B/S, Grade-I,
Office of the CWE (AF)
A.T.Road, Santipur,
Guwahati-9.

. . . Applicant.

By Advocate Shri B.K.Sharma.

- Versus -

1. Union of India
represented by the Secretary to the
Government of India,
Ministry of Defence,
New Delhi.
2. HQ Chief Engineer, Eastern Command,
Fort William,
Calcutta-21.
3. Commandant Works Engineer (AF)
A.T.Road,
Santipur, Guwahati-9.
4. The Chief Engineer (AF),
Shillong Zone,
Elephant Falls Camp,
Shillong-793009.

. . . Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

C..

O R D E R

G.L.SANGLYINE, MEMBER(A)

The applicant was permanently transferred to CWE Guwahati on 11.10.1989 on compassionate grounds by AE, AGE (Indep) Rangiya. He was transferred again on 26.10.1994 to GE(AF), Jorhat. He was aggrieved with this order of transfer and submitted a representation dated 21.11.1994 requesting the authority concerned to defer his transfer from Guwahati by a period of one year or to post him in any other station within the Guwahati Complex. The result was

contd. 2...

22.9.95

that he was further ordered to move out within 10.3.1995. The applicant further prayed vide his letter dated 23.3.1995 to issue his movement order only in the last week of May, 1995 or first week of June, 1995. His name was removed from the roll of CWE(AF), Santipur, Guwahati from 1.7.1995. On 29.6.1995 he had submitted this application before this Tribunal against his transfer to Jorhat. In the meantime he has joined in the interim Jorhat consequent to the vacation of order dated 30.6.1995. His prayer No.3 against the order dated 19.6.1995 relieving him with effect from 1.7.1995 is no longer available for consideration as this order stands now implemented.

2. The other grievances however remain. The applicant contended that the respondents should be directed to withdraw the order of transfer transferring him to Jorhat as they have not followed the Transfer Guidelines in doing so and further that they should be directed to post him in a place of his choice. The applicant is aggrieved because he was transferred to Jorhat in place of Calcutta, the place of his choice. Mr B.K.Sharma, the learned counsel for the applicant contended that the denial to post him in Calcutta is without any justifying reason. He pointed out that in 1992 he was denied a posting in Calcutta on the ground that vacancy was not available. In 1993 the reason given was, however, that the applicant could not be transferred from Guwahati as it was a place of his choice. Yet, in 1994 he was transferred from Guwahati to Jorhat. Mr G.Sarma, the learned Addl.C.G.S.C, relied on the written statement of the respondents and submitted that the respondents had acted solely within the transfer guidelines dated 7.9.91 (Annexure R-1).

3. The applicant was posted in Guwahati in 1989 on compassionate grounds. The guidelines for such postings as

contd. 3...

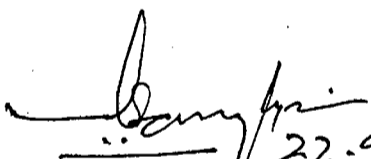
22.9.95

prevailing in 1989 are not available for perusal. The guidelines dated 7th September, 1991 relied on by the respondents, based on the policy decisions dated 29.11.72 and 21.5.75, do not at para 14 thereof stipulate the duration of stay in a particular station of the employee posted in such station on compassionate grounds. The guidelines dated 31.8.1994 however provide in para 23(K) that the duration of stay in a particular station should be 3 years. The order of transfer of the applicant was issued on 26.10.1994. Therefore, the transfer of the applicant is covered by these existing guidelines. Since the applicant had completed 3 years already in Guwahati he cannot make any grievance against the respondents for termination of his compassionate posting. It is another matter however if he submitted representation to the respondents for retaining him in the station and they allowed his request. The request of the applicant for retention in Guwahati complex was rejected. His requests for posting in a place of his choice were rejected twice. The grievance of the applicant is, in fact, that he had not been considered for posting in a place of his choice but he was posted in another place. In the guidelines dated 7.9.91 as well as in the guidelines dated 31.8.1994 it is provided that staff who have completed their terms in a tenure station are to be accommodated in a place of their choice by moving out the longest stay staff in that particular station of choice. If Guwahati is a tenure station, then the applicant has a right to be considered for posting in any of the places of his choice after he had completed his term in Guwahati. It was perhaps in the background of having completed his tenure posting in Guwahati that the applicant submitted representation in 1992. It is seen that

h
22.9.95

between the second rejection dated 26.4.93 and the date of transfer order dated 26.10.94 the applicant did not exercise further choice of posting. It is also seen that the respondents did not consider the case of the applicant in term of para 28 of guidelines dated 7.9.91 while rejecting his option for Calcutta. In the circumstances, the applicant may now submit, if he so chooses, a fresh representation to the respondents for his transfer to a place of his choice within the purview of the guidelines dated 31.8.1994. If such representation is received, the respondents are directed to consider the request of the applicant sympathetically keeping in view his personal difficulties and the guidelines dated 31.8.1994 in the next available opportunity arising after receipt of such option from the applicant.

4. The application is disposed of in terms of the above directions. No order as to costs.


(G.L. SANGLY) 22-9-95
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the case : O.A. No. 118 of 1995

Shri Pradip Kumar Baruah ... Applicant

- Versus -

Union of India & Ors. ... Respondents

Central Administrative Tribunal

কেন্দ্রীয় প্রশাসনিক আদালত

267
29 JUN 1995

Guwahati Bench
গুৱাহাটী সঞ্চালকালয়

I N D E X

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12) Show Cause - - - 28-34,

13) W/S on behalf of Applicants - - - 35-55

For use in Tribunal's Office

Date of filing :

Registration No. :

REGISTRAR

*Recd Copy
Golef Janna
W/C GSC
CAT
Janna
28-6-95
Rajind Coor
Duk
K.C. Baruah
UDC*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by (m)
applicant (m)
Division (m)
28-6-95

O.A. No. 118 of 1995

BETWEEN

1. Shri Pradip Kumar Baruah,
Supervisor B/S, Gde-I,
Office of the CWE (AF),
A.T. Road,
Santipur, Guwahati-9

...

Applicant

AND

1. The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.
2. HQ Chief Engineer Eastern Command,
Fort William,
Calcutta - 21.
3. Commandant Works Engineer (A.F.),
A.T. Road,
Santipur, Guwahati-9.
4. The Chief Engineer (A.F.)
Shillong Zone,
Elephant Falls, Camp
Shillong-79 3009.

...

Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE :

The application is directed against the Order
vide Posting/Transfer Order No. 1242/BS/168/EIB dated
19.6.95.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The applicant further declares that the application is made within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India, and the laws framed thereunder.

4.2 That the applicant is presently working as Supervisor B/S Gde-I under Commandant Works Engineer (AF) Guwahati.

3. That the applicant entered into the services of Military Engineering Services (MES) as Store-Keeper and ever since his entry, he has been rendering his services to the satisfaction of all concerned. During his tenure of service, he has served all over India in different places. His last outside posting was at Hyderabad from where he was transferred to Rangia in the year 1988. Thereafter he was transferred under the present offer vide movement order No. 1014/398/E1(Est) dated 11.10.89. His such

Contd...P/3.

transfer and posting was on compassionate ground only ^{and} as it was stated in order itself that he has been permanently transferred.

A copy of the order of transfer dated 11.10.89 is annexed herewith as ANNEXURE-1.

4. That it will be pertinent to mention here that the eldest son of the applicant who is now 21 years of age became completely blind, due to prolonged suffering from ~~f~~ von-hipple disease. He gradually became blind from the age of 14 and now he is under constant medical care. Adding insult to the injury, the applicant lost his ~~wife~~ wife on 2.3.91 in an unfortunate traffic accident. His two daughters are studying in Class XII and VM respectively and his minor son is reading in a lower class. With these situations, the plight of the applicant can well be visualised. His aforesaid children are studying at Kendriya Vidyalaya. It was under the aforesaid circumstances, the applicant represented for his permanent transfer to Guwahati which was acceded to vide Annexure-1 letter dated 12.11.10.89.

5. That there is a set of instructions/guidelines in the department~~s~~ laying down the principles of transfer. Under the said guidelines, age factor and compassionate posting etc. are provided for. It also provides for making representation against order of transfer enjoining a duty upon the authorities to dispose of such representations.

A copy of the instruction dated 25.11.94 is annexed herewith as ANNEXURE-2.

Contd...P/4.

6. That the applicant was surprised to receive an order No. 1242/BS/168/EIB dated 19.6.95 transferring him to Jorhat under G.E. (AF) purportedly under authority of letter dated 26.10.94 of the HQ, CE EC Calcutta. In terms of the said letter, he will be released from the present place of posting w.e.f. 1.7.95. Thus there is extreme urgency in this matter.

A copy of the order dated 19.6.95 is annexed herewith as ANNEXURE-3.

7. That the applicant on receipt of the aforesaid order pursued his grievances against the said transfer order departmentally and accordingly submitted a representation against the order dated 21.11.94 to the HQ, CE, urging for cancellation of the order.

A copy of the representation is annexed herewith as ANNEXURE-4.

8. That apart from the aforesaid Annexure-4 representation, his blind son also made representation to the authorities vide his representation dated 17.12.94. Thereafter also he submitted representation.

Copy of two such representations are annexed herewith as ANNEXURES-5 & 6 respectively.

9. That the blind son of the applicant was intimated vide letter No. 131322/2/94/5 A/39/Engrs./EIC(I) dated 12.1.95 that the applicant himself should make a representation. However, there is no indication about the representation, his application has already been made vide Annexure-4.

Contd...P/5.

A copy of the letter dated 12.1.95 is annexed herewith and marked as ANNEXURE-7.

10. That the applicant states that surprisingly enough inspite of asking the HQ C.E. for ~~pro~~ providing the representation submitted by the applicant, the same has not been forwarded by CWE. As will be evident from letter dated 17.1.95 issued from the office of the HQ CE, Shillong Furthermore, as per letter dated 24.1.95 while acknowledging receipt of the representation of the applicant, same has been refused to be ~~provided~~ forwarded for consideration by the HQ CE, Calcutta.

Copies of the letter dated 17.1.95 and 24.1.95 are annexed herewith as ANNEXURES-8 and 9 respectively.

11. That the applicant states that although he has got no right to be posted in a particular place, yet he has got a right to be considered for such posting. In fact the applicant had exercised his choice place of posting - his choice for posting at Calcutta to which he is also entitled under the Presidential Memorandum dated 14.12.83, but the same has been denied firstly as there was no replacement and secondly as because Guwahati was his choice place of posting.

Copy of the aforesaid Presidential Memorandum will be produced at the time of hearing.

Contd...P/6.

The respondents are duty bound to consider the representation as well as his options. It will be pertinent to mention here that ~~knowing~~ the applicant and his family required to remain in places where facilities for medical treatment for his son is available. This is a reason why the applicant had given his choice for Calcutta. That was also the reason why the applicant had represented for his permanent posting at Guwahati which was conceded to as stated above. However, contrary to such a situation, the applicant is ~~now~~ now sought to be transferred to a small town - Jorhat without any consideration of his case.

12. That the applicant states that at ~~last~~ least he is entitled to have his representation considered ~~by~~ by the authority in terms of their own instruction as indicated above. There is no earthly reason as to why his representation should not be forwarded to the addressing authority. It is emphatically stated that by such an action his right of consideration cannot be taken away.

✓ 13. That the applicant states that ~~now~~ he having ^{permanently} been transferred to Guwahati, he cannot be transferred to any other place and that too permanently. The respondents ought to have taken the matter in its true perspective instead of throwing out his representation from the purview of consideration even.

14. That the applicant states that he is ready to go anywhere in India where proper medical facilities are available for his eldest son for whom there is still a ray of hope of recovery.

4.15 That the Applicant states that he is entitled to the benefit of facilities on transfer as laid down in the aforesaid instruction to which the applicant will refer to at the time of hearing of the instant application.

5. GROUND FOR RELIEF ~~SOMEWHAT FOR~~ WITH LEGAL PROVISIONS :

5.1 For that the applicant having been posted in Guwahati permanently, the respondents are duty bound to follow the rules laid down vide their own circulars.

5.2 For that the impugned & transfer order is not maintainable without taking into consideration of the representations submitted by the applicant and the respondents are duty bound to consider his such representations before issuing the impugned order.

5.3 For that in view of the treatment and studies of the sons and daughters of the applicant, the respondents ought to have considered the case of the applicant which is in gross violation of the principles of natural justice and administrative fair play.

5.4 For that ~~malafide~~ malafide is the foundation of the impugned order and the respondents having violated their own guidelines, the respondents are accordingly duty bound to deal with the applicant's representations.

5.5 For that in any view of the matter, the impugned order is not sustainable and liable to be set aside. The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that he has got no other alternative and efficacious remedy than to approach this Hon'ble Tribunal.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the subject matter in respect of which this application has been made before any Court or any other authority and/or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the applicant prays that the instant application be admitted and the respondents be directed to show cause as to why the prayer made in this application should not be granted, call for the records and upon hearing the parties, on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs :

- 8.1 direct the respondents to follow their own guidelines as contained in Annexure-2 and withdraw the impugned order of transfer ;
- 8.2 issue direction to the respondents to transfer the applicant to any one place in India for which the applicant opted his choice ;

8.3 issue direction to the respondents not to give effect to the impugned order of transfer of the applicant ; dated 19-6-95 (ANNEXURE 3)

8.4 Any other relief or reliefs to which the applicant is entitled under the facts and circumstances of the case.

8.5 Cost of this application may be awarded to the applicant.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, the applicant prays for an interim order to suspend his order of transfer dated 19.6.95 (Annexure-3) with further direction to the ~~xxx~~ respondents to allow him to continue in his present place of posting ~~existing~~ until such time ^{is} he posted to his choice place of posting in conformity with circulars of the Government of India as referred to above.

10.

The application is filed through Advocate.

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

(i) I.P.O. No. : 8 03 884374.
(ii) Date : 17-6-95
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification....

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

I, Shri Pradip Kumar Baruah, aged about 53 years, presently working as Supervisor B/S, Gde-I, in the office of the CWE(AF), Guwahati-9, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 29th day of June 1995 at Guwahati.

Pradip Kumar Baruah

MOVEMENT ORDER

Tele : Mily : 70

Office of the AGE (I) Rangiya
Post: Rangiya (R/S) Dist: Barpeta
(Assam)

1014/ 398 /E1(Est)

11 Oct 89

MES/242059

Shri Pradip Kumar Baruah,
Supr. B/S Gde-I

POSTING/TRANSFER ON COMPASSIONATE GROUNDS

1. You are hereby permanently transferred to CWE Gauhati on
Compassionate Grounds.

Authy:- HQ GE EC Calcutta letter No 131306/2/38/13/Encls/
E1C(I) dated 30 Sep 89.

2. You will be relieved of your duties wef 13 Nov 89 (Ans) from
this office and will report to your new Unit.

3. You should submit the following before leaving this office:-

- (a) Clearance Certificate. (b) Identity Card.
(b) Departure Report.

4. Please note that your pay and allowances for Nov 89 and
onwards will be claimed by your new Unit after you report there
for duty.

5. No TA/DA and joining time is admissible as you have posted
out at your own request on compassionate grounds.

Copy to :-

1. CE EC Calcutta
2. CE Siliguri Zone, Bangdubi
3. CDA Basistha, Gauhati-28
4. CWE Gauhati
5. AAO Shillong
6. UA AGE (I) Rangiya
7. AGE E/M Rangiya
8. AGE B/R Rangiya
9. I/C B/S Section
10. E-1(C), E-1(Pay) & E-1(R)

Date of birth : 01 Jan 1942
D N I : 01 Dec 1989
Casual Leave Balance : 3 days
R/H Balance : 2 days

A/C:-

(B P Mishra)
AE
AGE (Indep) Rangiya

For CWE GAUHATI

Basic Pay	Rs. 1650.00
Special Pay	Rs. 50.00
DA - 34%	Rs. 561.00
S C A	Rs. 60.00
H R A	Rs. 100.00
S D A - 12.5%	Rs. 206.00

Total Rs. 2607.00

Deduction

GPF (A/C No 142735) Subs Rs 100.00
CGEIS Rs 20.00
Other Recovery : NIL

Allynd
Allynd

19/11/1964 2

93

Tele 2358

Headquarters
Chief Engineer(A/F)
Elephant Falls Camp
P.O. Nonglyer
Shillong 792009

81006/2/ 325 /EIC(1)

15 Nov 94

CWB(AE) Kalakunda
CWB(AF) Jorhat
CWB(AP) Gauhati

BY
BY
BY

POSTING/TRANSFER POLICY GROUP 'C' & 'D'
PERSONNEL OF THE MES

1. A copy of E-in-C's Branch posting policy bearing No 79040/EIC(1) dated 31 Aug 94 received under HQ CEEC Calcutta letter No. 131306/1/WED/Engrs/EIC(1) dated 02 Nov 94 is forwarded herewith.
2. Nil report is also required.

[Signature]
(V. Rao)
Maj
SC II (Adm)
for Chief Engineer(A/F)

Encls : As above

Copy to :-

Internal

R 7 (B)

Copy of E-in-C's Br letter No. 79040/EIC(1) dated 31 Aug 94.

SUBJECT : AS ABOVE

1. Govt of India, Min of Def, vide their letter No 8(3)/92/D(Appts) dated 28 Jan 94, have laid down certain guidelines with regard to the policy of posting/transfer in respect of Group 'C' and 'D' personnel in MES.
2. In supersession of the existing posting policy and keeping in view the revised guidelines issued by the Govt vide letter quoted in para 1 above, the revised posting policy is enunciated in succeeding paragraphs.
3. The broad principles under which transfers of Group 'C' and 'D' civilian subordinated are to be carried out are stipulated in Min of Def Cir No 12(1)/70/D(Appts) dated 29 Nov 72 and 32(4) 72/D(Appts) dated 21 May 75.
4. Posting of Group 'C' & 'D' individuals less industrial personnel will be issued by the GEs Command on the following grounds:-
 - (a) Administrative
 - (b) Adjustment of surplus and deficiencies
 - (c) Posting to tenure stations.
 - (d) Promotion
 - (e) Mutual/compassionate grounds
 - (f) Legal turnover

POSTING ON ADMINISTRATIVE GROUNDS

5. No individual will normally be posted to tenure stations or other normal stations on administrative grounds. Where it is considered that such a step is absolutely essential, prior approval of CE/Adml CE Command will be obtained. If the individual to be posted out on administrative grounds happens to be due for posting to a tenure station he will be posted out to such station, even if this involves posting out of turn. The CE Command will keep E-in-C's Branch informed of such cases. In case of individuals protected against transfer, prior approval of E-in-C's Branch will be obtained.

ON ADJUSTMENT OF SURPLUS/DEFICIENCIES

6. In all cases where staff are rendered surplus by reduction in the authorised strength and their re-adjustment becomes necessary, the longest stayee in the station will be posted out. In the case of postings involving inter-Command transfers, the junior-most person in the grade within the Command if be declared surplus.

7. In the situations may arise when offices/works units are asked to move en bloc to other locations/from such cases the personnel to be moved should be selected based on their length of service in the station is the longest stayee should move by making local adjustments.

8. In determining the longest stayee in a station, all MES Units located in that station including satellite stations will be taken into consideration. The seniority in that station will be decided by the CE Command. Grouping of various units in a station including adjacent localities, will be decided by the CE Command and intimated to lower formations for information of all concerned in advance. Volunteers, if any, will be given preference in all such cases.

9. Where units/formations are closed down due to reduction in workload, the adjustment of surplus staff be first done in the residual formations in matter of filling of deficiencies within overall manning level. The remaining surplus staff be adjusted outside on the basis of three choices of the individuals.

TURNOVER : TENURE STATIONS

10. A list of tenure stations in a Command will be drawn out by CE Command after giving due consideration to all aspects of living conditions. In case a station is tenured or de-tenured, its effect will not be made applicable from retrospective dates. The exercise of de-tenuring of existing tenure station in view of its improved living conditions should continue as at present. Tenure station once de-tenured may not be declared a tenure station again except in exceptional circumstances.

11. Tenure stations may also preferably be divided in each Command for ~~xxxxx~~ manning between Zones on State/language basis so that the education of children of the employees does not pose a problem due to change in languages, as far as practicable.

12. The following instructions will be followed while nominating subordinates to tenure duty stations:-

(a) Volunteers, preferably those who have completed 3 years in a station will be given preference.

(b) Personnel who have not done service in a tenure station since joining the MES, provided the individuals have completed 3 years stay in the station.

Attended
B. B. B.

14

25

... posted to the MES under adjustment of surplus/deficiencies scheme reckon seniority for the purpose of promotion/confirmation from the date they join duty in the MES. Their seniority for posting to tenure station will also reckon from the date of joining MES.

(d) Every individual nominated for service in tenure station must complete his full tenure before being posted back to one of his choice stations. For the purpose of determining the period of stay in a tenure station, an individual must be physically present in that office for the full period of tenure excluding the period of absence of leave or otherwise. If for reasons, due to illness or extreme compassionate grounds, an individual is repatriated prior to completion of his tenure, he may again be nominated to tenure station after an expiry of 3 years of service. His tenure should start afresh and he is to complete the tenure of 3 years at one stretch and not the left over period only.

(e) While calculating the physical stay at a tenure station, the period of leave availed to the extent of leave earned during stay at the tenure stations will be included in the tenure period for determining the physical stay.

(f) Nomination of persons who have already done a tenure will be done strictly on the basis of their last date of return from tenure stations.

(g) The normal age limit for tenure station posting is 50 years. Subordinates over 50 years may also be posted for a shorter tenure but none will be retained at a tenure station beyond the age of 53 years. Subordinates above 50 years of age will not be posted to high altitude/snow-bound areas and to tenure stations where the tenure is 2 years. The age for such postings will be considered as on date of issue of posting by CE Command.

(h) Those posted from one command to another on compassionate grounds will not be nominated until completion of 3 years service in the choice station. This protection is not available to persons who have moved on mutual posting.

13. The CE Command will maintain the panels as stated in Para 8 above and nominate/post personnel to tenure stations as per panel seniority in the absence of volunteers. A list of volunteers will also be maintained separately for the purpose.

14. Disabled persons should not be posted to a tenure station if the disability prohibits his free movement/functioning. The case shall be decided by CE Commands on merits. However, if disabled individual is willing to go to a tenure station, he should be allowed such posting.

15. The normal tenure is 3 years except in the following stations where it will be 2 years of physical stay :-

(a) All stations in Ladakh (Leh, Karail, Partapur, Chasheel, Budhekhroo, Khelai and Dr and Nathotoo).

(b) Sugar Sector

(c) Naliya

(d) Port Blair and other Island of Andaman & Nicobar.

(e) Any other station included by Ministry from time to time.

... .A/-

26

16. An individual serving in a tenure station may submit his choice after completion of two years of any three stations located in three distinct place/complexes separated by at least 20 Kms. Two out of three choice stations should be in different CEs Zone.

17. On completion of tenure, the individual will be adjusted at one of the three choice stations given by him in the Repatriation Form. In the case of non-availability of a vacancy in any of the three choice stations, the affected person due for turnover may be allowed to remain in the tenure station till a vacancy arises in their choice station. Such employees may be given the benefit of deferment for his re-posting to tenure station in his next turn for such posting. The exact period of which the benefit is to be given will be decided by CE Command, based on the following norms:-

- (a) Upto 6 months stay in excess of the tenure. No benefit to be given
- (b) Excess stay of more than 6 months but upto 12 months. Deferment @50% of time(months) spent.
- (c) Excess stay of over 12 months and above, Deferment @50% of time(months) spent.

18. In case a tenure completed staff does not want to continue at the tenure station, he may be repatriated to one of his three choice stations. The longest stayee from one of the choice stations who has completed three years or a volunteer may be moved out of to a nearer station/choice station as far as possible, where a vacancy exists to make room for the tenure completed employees. The longest stayee in that particular category will be determined by clubbing the three choice stations of the repatriatee. The longest stayee moved from a peace station for making room for adjustment of a tenure completed individual will be brought back to the same station after completion of 3 years in the new station.

POSTING FROM PEACE TO PEACE STATION

19. An individual who is to move from one peace station to another peace station to make room for a tenure completed repatriatee, should be posted to one of his three choice stations, as far as possible. This facility will not be available to other types of postings like posting on administrative grounds, promotion and so on (mentioned in para 4 above). Posting from peace to peace station should be delimited preferably statewide, to the extent possible.

POSTING ON LOCAL TURNOVER

20. With a view to ensure that the employee does not derive under benefit of 'indulge in undesirable activities by remaining in the same seat/unit for considerable period, regular turnover of the employees within the same station after every 3 years be carried out. This will provide training and experience equally to all employees.

21. Adjustments within the same station and local turnover can be ordered by the CE Command/CE Zone/CAE(highest authority in the stn). However, CE Command only can order postings outside the station(s). The following guidelines may be followed for planning of posting/transfer :-

. . . .5/-

Approved
By
P. J. J.

(a) Gde IIs should be moved on turnover from one Division to another Division within the same station. In case, that is not possible due to there being only one Division in that station, they should be transferred from one B/R sub division to another B/R Sub division or one section to another section in the case of E/M or B/S staff.

(a) Gde Is (Engineers, Surveyor and B/S Cadres) should be move on turnover from executive/sensitive posts to staff and vice versa. They should be moved from one Division to CE/CSE Office or another Division. In case there is only one Division/Sub Division in a station, they shall be transferred to another station.

(c) Clerks, store-keepers and other categories of staff working in a sensitive section(s) will be transferred to another non-sensitive section (s) within the Division or another Division or CE/CSE Office, as far as possible within the station.

POSTING ON PROMOTION

22. Staff on promotion be adjusted in the same station (not necessarily in the same unit) provided vacancies are available. However, if no vacancies are available in the same station, the promotees be adjusted in one of the three choice station as far as possible.

COMPASSIONATE POSTING/MUTUAL TRANSFER

23. ✓ Following guidelines for compassionate posting will be followed:-

(a) Individual should themselves apply for compassionate postings through proper channel. Application from or these received directly should be rejected and attempts to bring outside pressure discouraged.

(a) Applications on domestic grounds should be verified, if required, in consultation with civil authorities, if the CSE/CE Zone is not satisfied of the genuineness of the grounds.

(c) Applications on medical grounds should be accompanied by appropriate medical certificates from Authorised Medical Attendant (where AMA is not available, from Registered Medical Practitioner) indicating the nature of illness and justification for transfer of the individual.

(d) CEs Command should order a Board to assemble every 6 months in Jan and Jul to screen these requests.

(e) Compassionate postings shall only be effected against clear vacancies falling which against volunteers.

(f) To av grant of undue benefit, it will be ensured (before compassionate/mutual transfers are accepted and orders issued) that affected persons are not due for posting to tenure stations.

(g) All mutual postings and those on compassionate grounds will be at the expense of the individual.

(h) Approval for inter command posting on compassionate grounds/mutual basis will be issued by E-In-C's Branch

(j) Mutual transfer is not to be treated as a compassionate posting and no protection can be claimed by the individual.

Attns
ls
Asst
RKY

23. (k) The period of posting on compassionate grounds be restricted to 3 years so as to accommodate another compassionate posting case.

(l) Travelling allowances can be paid to the individual posted on last leg compassionate grounds at the time of retirement only to his/her home town/selected place of residence, subject to approval of the transferring authority, who should record reasons for such postings.

(m) The compassionate postings will be ordered to a non-sensitive appointment as far as possible.

TIMING OF TRANSFERS

24. Case will be taken to ensure that transfers during the middle of the academic year are avoided as far as possible. Exceptions should only be to meet an emergent requirement in the exigencies of service. It will be desirable to give two months time in the posting order for completion of the move to enable an individual to sort out his personal administration. However, moves on administrative grounds may be ordered giving lesser time.

AGE FACTOR

25. Persons having attained the age of 55 years prior to the date of move mentioned in the posting order should not be transferred except at their request to stations of their choice. However, if they have to move on promotion and if there is no clear vacancy in the station where they are serving, they may still be moved irrespective of the consideration of age.

FEMALE EMPLOYEES

26. The female employees will also be covered by the above policy subject to the under mentioned concessions:-

(a) Women employees are exempted from posting to the tenure stations.

(b) They are not to be posted to long distance stations even in the case of their peace to peace station transfers unless female employees give her choice of a station at a distant place.

(c) They will be transferred from one peace station to the other on tenure basis on the analogy of tenure system adopted for the male employees for their postings from tenure station to the other. This tenure will be for a minimum period of 3 years and these employees would have the privilege of exercising three choices for their posting on return from the tenure stations including the home station.

(d) Widow employees on compassionate grounds would be excepted from the provision at (c) above.

VACANCIES

27. All posting orders issued by the Cds Command should be against clear vacancies. To ascertain clear vacancy the authorisation of a particular category or ceiling on holding whichever is less should be taken into account. Vacancies will be based on sanctioned authorisation/ceiling and manning levels to be based on functional authorisation.

REPRESENTATIONS

28. Representations, if any, against the posting order, will be made by the affected individual within 21 days of the receipt of posting order in the concerned office who will ensure that the same is notified to the individual immediately. When the representation received through proper

- 7 -

channel is considered and rejected by the CE Command, the concerned individual will move without any further delay. Contingencies may arise when the individual not being satisfied with the decision of the CE, may represent his case to the E-in-C's Branch. The move of the individual will not be held up on this account. In case the decision of the E-in-C's Branch is in his favour, the individual will be brought back at the Govt expense in the first available vacancy.

29. This letter No 74040/EIC(1) dated 25 Feb 91 stands superseded with the issue of this letter.

30. Please acknowledge.

Sd/- x x x
(AV Sathe)
Maj Gen
Addl DG Engrs(Pers)

AAmm
Advocate

Tale : 54082

Commander Nirman Engineer (VS)
Commander Works Engineers (AF)
A T Road, Santipur
Guwahati - 781009

1242/BS/163 /EIB

Jun 95

MES-242059
Shri P K Baruah,
Supvr B/S Gde-I

POSTING/TRANSFER : SUBORDINATES

1. You are hereby permanently transferred to GE (AF) Jorhat in the interest of State.

Authority : HQ CE EC Calcutta Posting Order No 131822/2/94/
5A/24/Engrs/EIC (I) dated 26 Oct 94.

2. You will be relieved of your duties from this office on 01 Jul 95 (AM) and will report to your new formation/office after availing usual joining/journey period.

3. Advance of TA/DA and pay may be had on application.

4. You will submit the following before leaving this office :-
(a) Clearance Certificate (b) Departure Report
(c) Identity Card will be deposited in your new formation.

5. Please note that your pay and allowances for the month of Jul-95 onwards will be claimed by your new formation/unit.

Commander Nirman Engineer (VS)
Commander Works Engineers (AF)

(Signature)

(Swaran Singh)
Lt)

Adm Offr
for CWE (AF) Guwahati

1242/BS/163 /EIB

Copy to :-

1. HQ CE EC Calcutta-21
2. HQ CE (AF) Shillong-9
3. CWE (AF) Jorhat-1
4. CDA Guwahati
5. AAO Shillong
6. AAO GE (AF) Borjar
7. GE (AF) Jorhat

Date of Birth-01-01-1942

D.N.I. - 01-12-1993

FOR GE (AF) JORHAT ONLY

Certified that the individual is not involved in any disciplinary case/Court of Inquiry/SPE/Suspension case.

The details of Pay and Allowances

B/Pay - Rs. 1950/- + 30/- (PP)
DA - Rs. 2498/- HRA - Rs. 450/-
SDA - Rs. 244/- SCA - Rs. 60/- TR - Rs. 100/-

Deduction

GPF (A/C No) - 142785 Rs. 1005/-
CGEGIS - Rs. 30/-

Balance of Leave

CL-02 days, RH-02 days, EL-216 days
HPL-429 days

3/10/95 Received on 23/6/95 at 1315 hrs.

(Signature)
A. Swast

-20-

From : MES/242059
Shri Pradip Kumar Baruah
Supvr B/S Gde I
CWE (AF) Gauhati
AT Road, Santipur
GAUHATI-09

ANNEXURE-431

To : Headquarters
Chief Engineer
Eastern Command
Fort William
CALCUTTA-21

(Through proper channel),

REQUEST FOR DEFERMENT OF POSTING ON EXTREME
COMPASSIONATE GROUNDS

Respected Sir,

Trifling though it may appear but the pressure of circumstances have compelled me to approach your benign-self and to submit the following grievances for your kind consideration and favourable orders please.

2. Sir, I stands posted to GE (AF) Jorhat as per your Posting Order No 131322/2/94/5A/24/Engrs/EIC(I) dated 22 Oct 94.

3. Sir, I intend to bring certain tragic incidents and loss of life in my family which I had faced in my tenure in this station and as follows :-

(a) My elder son 21 years old become BLIND due to prolonged suffering from Von-hipple disease. Inspite of frequent treatment and spent of huge amount that there is no fruitful result has been achieved so far. In addition of my continue treatment he had in AIIMS, NEW DELHI then after in Homeo and Ayurvedic consultation with treatment is continuing at different places with ambition that my son will cure in near future.

(b) Secondly on 2nd March 1991 I lost my wife with an unfortunate traffic accident which is sadly affected and great loss to whole of my family.

(c) The other two children of my daughter and minor son are studying at KV Borjar in Stdard XII and VII respectively and the small School going children could not recover the memories of the accident and loss of their loved mother.

4. Apart from looking after my three motherless children, the requisite parental care is required to them at this stage and I also have to take special care to my BLIND son in up-grading of his moral courage for achieving better progress in his future life. Though my blind son has did B Music in Hindustani classical music from Bhatkhonde Music Maha-Vidyalaya, Lucknow, till he needs much more to learn under some specified Guru. Since Gauhati is the only place where required facilities are available, where blind son is under special coaching in this tune under two different Guru's in two different instruments on Sitar and Hawine Guitar namely.

Contd.....P/2

*Admitted
Advocate*

5. In view of my genuine problems and sake of my BLIND son's future stated above, I compelled to seek your favour in this issue as there is no other alternative left over. I am requesting your kind honour that my case for deferment for another one year otherwise to post me within GALHATI COMPLEX wherever vacancy is existing, so as to enable me to have proper care to my child and BLIND son at this critical stage. This one year period of grace would help me through out the rest of my life through the successful completion of duty to my BLIND motherless son. I shall, forever remain grateful to you for this act of extreme compassion.

6. I look forward for your favourable orders with the strong conviction that the problems of this ordinary employee is always uppermost in your mind.

Thanking you in anticipation.

Yours faithfully,

Station : Gauhati-09

Dated : 21st Nov 94

Pradip Kumar Baruah
(PRADIP KUMAR BARUAH)

Copy to:-

Headquarters
Chief Engineer (AF)
Elephant Falls
Nonglyer Post
SHILLONG-09

Pradip
Private

ANNEXURE-5

FROM : SHRI GAUTAM BARUAH (BLIND)
VILL : NEW KAHIKUCHI
POST : AZARA
GUWAHATI - 781017

TO : Maj Gen A.K.Puri, AVSM
Chief Engineer
Headquarters Eastern Command
Fort William
Calcutta - 700021

(Through The Honourable Chief Minister of Assam)

SUBJECT : AN APPEAL FROM A BLIND.

Respected Sir,

Most humbly and respectfully I beg to lay before you the following few lines for favour of your kind consideration please :

That sir, I lost my eyesight recently due to prolonged illness from Von-Hipple eye disease and become completely blind. In this connection my father spent huge amount but no fruitful result could be achieved. He took me to A.I.I.M.S New Delhi, Calcutta etc for my better treatment. Thus he exhausted all his resources in connection with my treatment.

That Sir, on the 2nd march 1991, I lost my mother in an unfortunate traffic accident which had greatly effected our family peace and happiness.

That Sir, there is no other elderly female member in my family to look after my sister and minor brother who are presently studying at Kendriya Vidyalaya, Borjhar in Standard XII and class VII respectively.

That Sir, due to premature blindness and sudden death of my mother I have to discontinue my school education for want of proper care and facilities. But my father has taken special care in my case and arranged tutorial classical music lessons through Bhatkhande Sangeet Vidyapith, LUCKNOW, in order to encourage me to make better progress in future life in the field of music, as I have special aptitude and interest in music. Meanwhile I have done Visharad Part II (B Music) in Hindustani Instrumental Classical Music (In Hawaine Guitar) from Bhatkhande Sangeet Vidyalaya, LUCKNOW through Braille System.

*Attended
by
Shri. Baruah*

That Sir, recently my father Shri P.K.Baruah, who is working as a supervisor, B/S I in the office of CWE (AF) Guwahati, A.T Road, Santipur, Guwahati -9, has been ordered for transfer to Jorhat. As a result it has become difficult on my part to my out of Guwahati since Guwahati is the only place where required facilities for a blind man like me are available. I am under going special coaching in the tune under two different GURUS Shri Debasish Bhattacharjee, renown classical Guitarist of Calcutta and Shri Aqueel Khan, Sitarist of AIR Guwahati.

My father has taken all possible care in connection with my education at Guwahati considering the development and well being of our family member who one-day will be able to take care of themselves.

That Sir, In view of the fact stated above and view of my father life our stay at Guwahati absolutely necessary. In case My father is allowed to stay at Guwahati for a couple of years it will be convenient for me to complete my musical lessons under the care of my GURUS.

That Sir, My father has submitted a petition to the authority concerned to consider the prayer of his stay at Guwahati through proper channel, a copy of which is enclosed herewith for your information and necessary action.

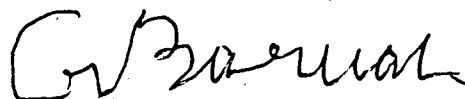
In support of the case I am enclosing copies of few documents for favour of your perusal.

I am eagerly looking forward for getting your good response and sympathetic action sir.

Thanking you,

Yours faithfully,

DT:-17-12-94



(GAUTAM BARUAH)

Handwritten notes:
#item
P
Admit

FROM : SHRI GAUTAM BARUAH (BLIND)
VILL : NEW KAHIKUCHI
POST : AZARA
GUWAHATI - 781017.

TO : MAJ. GEN. A.K. PURI, AVSM
CHIEF ENGINEER
HEAD QUARTERS, EASTERN COMMAND
FORT WILLIAM
CALCUTTA - 700021.

SUB : Prayer for review of application.

Respected Sir,

With reference to my earlier application dtd. 17th Dec, 94 on stay of my father's transfer order and your Head quarters letter No. 131322/2/94/5A/39/Engrs/EIC(I); dtd. 12.01.95, I most respectfully like to make a fervent appeal once again to review my father's application and help me as a blind student.

Sir, I was hopeful of getting a positive response to my appeal, but unfortunately the appeal was turned down. My father's application was also turned down as I learnt from him without solid reason not considering the fate of his family members. As per your norms I have my right to express my problems and seek your help for the redressal of the problem. It is really painful to learn that my father's appeal did not reach you in time through the intermediate official recommendation which is necessary for onward transmission of any application as he said so.

I take this opportunity to request you kindly to intervene in the matter and review my father's application specially to help me as a handicap learner.

I would also like to request to kindly to consider an alternative measure of helping me by posting my father at Calcutta instead of at Jorhat where I could get better scope in learning in my music line.

I shall be remaining ever grateful to you if my prayer for review of my father's application receives your sympathetic consideration and necessary action is taken ultimately to help an unfortunate blind like me.

In kind anticipation and with best regard.

Yours faithfully

Gautam Baruah

(GAUTAM BARUAH)

Enclo : Copy of earlier application.

Handwritten signature/initials

Tele : 243-2321/2393

-25-

ANNEXURE-7

36

REGISTERED BY POST
Mukhyalaya Purv Kaman
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William, Cal-700 021

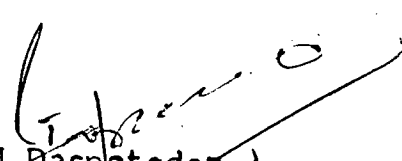
131322/2/94/5A/39/Engrs/EJC(I)

12 Jan 95

Shri Gautam Baruah (Blind)
Vill- New Kahikuchi
Post- Azara
Distt- Guwahati (Assam)
Pin-781017

POSTING/TRANSFER ON TURN OVER : SUPVR B/S-I

1. Reference your application dated 17 Dec 94 addressed to Maj Gen A K Puri, AVSM, Chief Engineer this Headquarters.
2. Your application has been seen by Chief Engineer this Headquarters and examined in depth. You are advised to request your father to apply for deferment with duration for examination at the earliest. As per extant rule applications from the relatives of the serving individuals are not entertained.


(G N Dasgupta)
Senior Adm Officer
SO-II (Personnel)
for Chief Engineer

Attn:  

Telephone
AF : 2358

26 - 1945/BS/110
ANNEXURE-2 (125) 37
Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp,
Shillong-793 009

SLCO6/9/BS/ 291/ETC(1)
CWE(AF) Gauhati

17 Jan 95

POSTING/TRANSFER ON TURN OVER : B/S 1

- 122
1. Reference HQ CEEC Calcutta signal No. 7037 dated 12 Jan 95.
 2. Please forward the original application alongwith your recommendation for our further action.

(SM-Deshpande)

Arch

SO II (Adm)

For Chief Engineer (AF)

128 | 122
123

Attended
Private

Telephone - 27 -
AF : 2358

1242/SS - 128 38
RECEIVED
Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp,
P.O. Nongleyer
Shillong-793 049

1006/9/SS/ 275/EIC(1)

24 Jan 95

Chief Engineer
HQ Eastern Command
Fort William, Calcutta-21

POSTING/TRANSFER : B/S CDE 1

122
1. Reference your HQ signal No. 7037 dated 12 Jan 95.

2. It is submitted that no application has been received from Shri Gautam Barua (blind blind) S/O MES/242059 Shri PK Barua, Supvr B/S Cde I of CW (AF) Gauhati. However, an application dated 21 Nov 94 of Shri PK Barua, B/S I of CW (AF) Gauhati has been received requesting to retain him in Gauhati complex for treatment of his son namely, Shri Gautam Barua (blind). But the case has not been recommended by CW (AF) Gauhati. Hence, the said application is not forwarded to your HQ please.

Copy to :-

R-3
R/NO 4
(SM Deshpande)
Arch
SO 11 (Adm)
For Chief Engineer (AF)

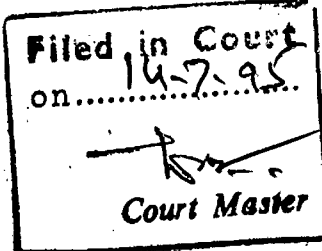
✓ CW (AF) Gauhati - For information with reference to their letter No. 1242/SS/123/EIC dated 19 Jan 95.

Application dated 21 Nov 94 in respect of MES/242059 Shri PK Barua, B/S I alongwith its enclosures received under your ltr above letter is returned herewith unactioned since the case is not recommended by CW.

Encls: as
above.

122
125
146
147

Attended
Admission



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

IN THE MATTER OF :

O.A.NO. 118 of 1995

AXMXDX

Shri P.K.Baruah

. . . Applicant

-Vs-

Union of India & Ors.

. . . Respondents

AND

IN THE MATTER OF :

Show cause in connection with an interim order dated 30.6.95 staying the transfer order of the applicant Shri P.K.Baruah from Guwahati to Jorhat.

I, Shri S.C.Katyal, Commander ~~Engineer~~ Works Engineer, respondent No.3 in the above noted O.A.No.

118/95 do hereby solemnly affirm and declare as follows :

1. That I have been served with a copy of an interim order dated 30.6.95 passed by this Hon'ble Tribunal and going through it and also the application I do hereby make ~~xx~~ show cause as follows ;

1. That Sri Pradip Kumar Baruah, Supervisor B/S Gr.I was posted from AGE (I) Rangiya to this office on 11.10.89. As per procedure after completion of 3 to 4 years individuals are asked to submit their choice

contd... 2/-

stations for transfer to another choice stations as an individual has got all India Transfer liabilities. Shri P.K.Baruah had mentioned his choice stations Calcutta, Barrackpore and Ishapur, HQ Chief Engineer, Eastern Command Calcutta had intimated that no replacement is available at his choice stations and not considered being Guwahati is his choice station respectively (appx 'A' & 'B' attached)

2. Posting order was issued by HQ Chief Engineer Eastern Command ~~xxx~~ Calcutta vide their letter No.131322/2/94/5A/24/Engrs/EIC(I) dated 26th October 1994 to complete move by 31st December, 1994 to his new duty station i.e. GE A/F Jorhat stating any lapse will be viewed seriously by the Chief Engineer Eastern Command Calcutta. Accordingly the individual has been informed vide this office letter No.1242/BS/92/EIB dated 11th November, 1994 regarding his posting to Jorhat.

3. Shri P.K.Baruah, B/S Grd.I submitted an application dated 21 November '94 for deferment of his transfer for another one year. His application was considered but rejected by the CWE(AF) Guwahati as individual had already served in this office for last 5 years and in view of the posting order already received and strick directions from higher authorities regarding implementation of the move.

to
CEEC

4. ~~xxx~~ Sri Baruah further submitted an application addressed to CWE(AF) Guwahati for retention. The application dated 21st November '94 addressed to Chief Engineer, Eastern Command Calcutta forwarded to HQ, Chief Engineer, Shillong, Zone vide this office letter No.1242/BS/123/EIB dated

contd... 3/-

19th January'95. In the meantime a telex has received from HQ Chief Engineer Eastern Command that case of Shri Baruah has not been approved by the Chief Engineer Eastern Command and instruct this office to implement move of Shri Baruah by 10th March'95.

5. On 23rd March(1995, an application received from Shri P.K.Baruah, B/S Gr.I requesting for issue movement order by last week of May or first June'95 after over of School academic year of his children. (Photo copy enclosed) **as Appx 'C'**

6. HQ Chief Engineer A/F Shillong has intimated vide their letter No.81006/9/BS/339/EIC'(1) dated 12th May 1995 that reliever of Shri Baruah holding the charge of Stores in addition of his own duties at GE A/F Jorhat. Shri Baruah not holding the charge of stores and hence despatch the individual immediately.

7. Accordingly, based on the directions received from higher authorities movement order has been issued vide this-office letter No.1242/BS/168/EIB dated 19 June,1995 showing ~~xxx~~ struck off strength w.e.f. 1st July 1995.

8. That the interim order dated 30.6.95 is not tenable and as such it is liable to be rejected.

9. That the applicant has mislead this Hon'ble Tribunal and thus obtain this stay order which is not tenable in law and as well as of facts.



dontd.

4/-

42 31

10. That the stay order granted by this Tribunal has obstructed the respondents in discharging the day to day official duty and thus has put the respondents in administrative deadlock.

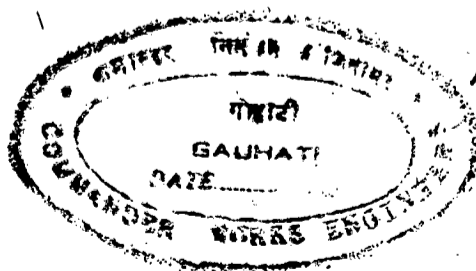
11. That the show cause is made in the interest of justice and same is filed bonafide.

In view of the facts stated above the stay order ~~granted~~ granted on 30.6.95 is liable to be vacated.

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

I, Col S.C.Katyal, Commander Works Engineers, Airforce Guwahati do hereby solemnly affirm and declare that the contents made in above paragraphs of this show cause are true to my knowledge and derived from records which I ~~believe~~ believe to be true and rest are humble submission before this Hon'ble Tribunal.

I sign this verification on this day of 13th Day July, 1995 at Guwahati.



(S C Katyal)
Col
CWE (AF) Guwahati
Signature

1242/Bg/RIB
Tele : 282321/2918

3645 72 Appendix 'A'
Furv Kaman Mukhyalaya
H. Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William, Calcutta-21

131322/2/92/54/ 18 /Engrs/EIC(I)

03 Nov 92

Chief Engineer

Shillong Zone, Shillong
Siliguri Zone, (Siliguri)
(AF) Shillong Shillong

POSTING/TRANSFER ON TURN OVER B/S GDE-I

1. The following B/S Gde-I were applied for turn over posting but due to the reasons mentioned against their names, their cases have not been considered for posting on turnover :-

Ser No	MES No	Name	Unit	Remarks
1.	263547	Shri Tapan Kumar Bhattacharjee	GE (P) 872 EWS	Not replacement available at choice stations, hence not considered.
2.	210152	Shri Ram Dabiri Yadav	GE Gantok	-do-
3.	242059	Shri Pradeep Kumar Baruah	GDE (AF) Gauhati	-do-
4.	201057	Shri R S Chawla	GE Tezpur	-do-

1. Please inform the individual accordingly.

(K R Rao)
Capt
Adm Officer I
for Chief Engineer

Copy to :-

All concerned fms/units.

Tele : 248/2321-2918

Purv Kaman Mukhyalaya
 HQ Eastern Command
 Abhiyanta Shakha
 Engineer Branch
 Fort William, Calcutta-21

131322/2/93/5A/ 10 /Engrs/EIC(I)

26 Apr 93

Chief Engineer
 Shillong Zone, Shillong
 A/F Shillong, Shillong
 Siliguri Zone, Sevoke Rd

POSTING/TRANSFER ON TURN OVER: SUPVR B/S GDE I

1. The following Supvr B/S Gde I were applied for turn over posting but due to the reasons mentioned against their names, their cases have not been considered for posting on turn over :-

Ser No	MES No & Name	Unit	Reasons
(a)	MES-210152 Shri Ram Dhari Yadav	GE (P) Gangtok	No replacement available at his choice stations. Hence not considered.
✓ (b)	MES-242059 Shri Pradip Kumar Baruah	CWE Gauhati	Individual serving at his choice station. Hence not considered.
(c)	MES-201059 Shri R S Chawla	GE Tezpur	No replacement available at his choice stations. Hence not considered.
(d)	MES-465428 Shri K K Rai	GE Borjar	-do-

2. Please inform the individuals accordingly.

(K R. Rao)
 Capt
 AO-I
 for Chief Engineer

Copy to :-

All concerned Fms/units.

CWE (Hq) Gauhati

To

CWE (AF) Gauhati

(Through proper channel)

POSTING/TRANSFER ON TURN OVER BASIS

Sir,

Reference HQ CE EC Calcutta letter No 131322/2/9454/24/Engrs/EIC(I) dated 26 Oct 94 and your No 1242/BS/120/EIB dated 13 Jan 95.

Respectfully, I beg to state the following few lines in connection of my posting order to GE (AF) Jorhat issued vide Chief Engineer, Eastern Command, Calcutta letter cited above.

That Sir, as I learnt from you that my appeal dated 21 Nov 94 for defferment had been turned down by CE Command basing on the remarks made by my office.

Since my replacement Shri Tankeswar Das, B/S Gde, is holding charge of furniture and stores in GE (AF) Jorhat, I am suppose to move first as per existing policy/order.

It is therefore, your kindness is requested for issuing Movement Order so that I could move in the last week of May 95 or first week of Jun 95 after over of School academic year of my children giving opportunity to ^{accommodate} accumulate them in my new Station.

Thanking you,

Yours faithfully,

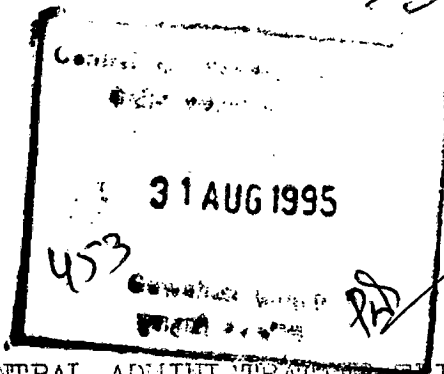
Station : Gauhati-09

Dated : 22 Mar 95

(P K BARUAH)

MES-242853

Supvr B/S Gde I



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of :

O.A.No.118 of 1995

Shri P.K.Baruah ... Applicant.
-Vs-
Union of India & Ors.
... Respondents.

-AND-

In the matter of :

Written Statement on behalf
of the Respondents.

I, Col S.C.Katyal, Commander Works
Engineers, (AF), Guwahati, Respondent No.3 in the
present application do hereby solemnly affirm and
declare as follows :-

1. That a copy of application alongwith the
order passed by this Hon'ble Tribunal have been
served.....

36- 47

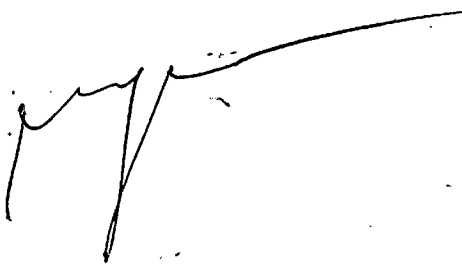
served upon the Respondents and being called upon to file Written Statement, I do hereby file it on behalf of all the Respondents and say categorically that save and except what is specifically admitted in this Written Statement, rest may be treated as total denial by all the Respondents.

2. That with regards to the contents made in paragraphs 1,2,3, & 4.1,4.2 of the application, I beg to state that I have nothing to comment.

3. That with regards to the contents made in paragraph 4.3, I beg to state that the applicant was posted to this office on 11.10.89 as B/S Gde I from AGE(I) Rangiya. As per procedure an individual serving in a tenure station may submit his choice stations for his posting after completion of 3 to 4 years.

4. That with regards to the contents made in paragraph 4.4, I beg to state that I have nothing to comment.

5. That with regards to the contents made in paragraph 4.5, I beg to state that as per HQ Chief Engineer Eastern Command Calcutta letter No.131306/1/2/ Engrs/EIC(I) dated 27th September,1991, every individuals nominated for serving in a tenure stations must complete his full tenure before posting back to one of the choice.....

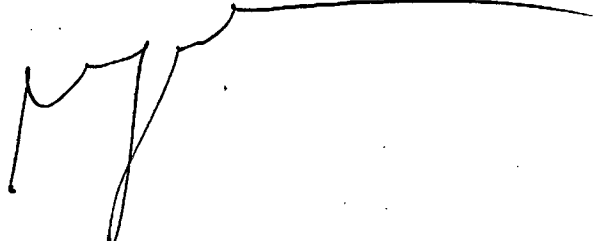


choice stations on availability of vacancy. Copy of the said letter is annexed herewith and marked as Annexure R.1. The applicant had mentioned his choice stations Calcutta, Barrackpur and Ishapore. HQ Chief Engineer Calcutta had intimated that no replacement is available at his choice stations and not considered being Guwahati is his choice stations. Copies enclosed as Annexure R.2 and Annexure R.3. Posting order was issued by HQ Chief Engineer Eastern Command Calcutta vide their letter No.131322/2/94/5A/24/Engrs/EIC(I) dated 26th October 1994 (copy enclosed and marked as Annexure R.4) to complete move by 31st December, 1994 to his new duty stations i.e. G.M. A/F Jorhat stating any lapse will be viewed seriously by the Chief Engineer, Eastern Command, Calcutta. Accordingly, the applicant has been informed vide this office letter No.1242/BS/92/EIB dated 11 November, 1994 regarding his posting to Jorhat, copy of which is annexed herewith as Annexure R.5.

The applicant submitted an application dated 21 November, 1994 for deferment of his transfer for another one year. His application was considered but rejected by the CME A/F Guwahati as the applicant had already served in this office for last 5 years and in view of the posting order already received and strict directions from higher authority regarding implementation of move.

6. That with regards to the contents made in paragraph 4.6, I beg to state that the applicant

further.....



-39-

individual is transferred again to other office/unit.

10. That with regards to the contents made in paragraph 4.14, I beg to state that Jorhat is 'C' class city where the medical facilities are available.

11. That with regards to the contents made in paragraph 4.15 of the application, I beg to state that the applicant had been intimated that there is no vacancy where he wants to be transferred. The more of the applicant can not be held up when his representation was rejected. The applicant should represent from his new duty station addressed to E-in-C's Branch. In case the decision of E-in-C's Branch in favour of the applicant he will be brought back at Government expense in the first available vacancy.

12. That with regards to the contents made in paragraphs 5 to 8, I have nothing to comment.

13. That the present application is ill-conceived of law and mis-conceived of fact.

14. That the present application is not at all maintainable in the present form.

Contd.....

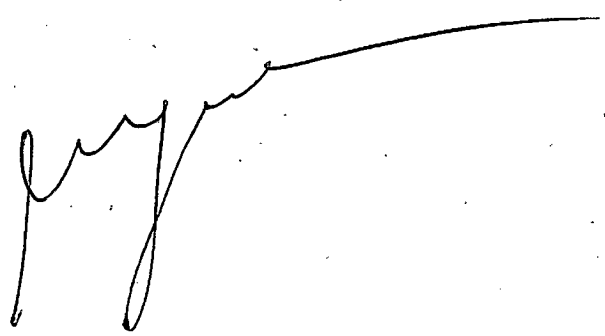


15. That the present application is barred by law of limitation.

16. That the present application has got no any merit and hence liable to be rejected summarily.

17. That the Respondents crave leave of this Hon'ble Tribunal to file additional Written Statement if so permitted.

18. That this Written Statement is filed bonafide and in the interest of justice.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Verification

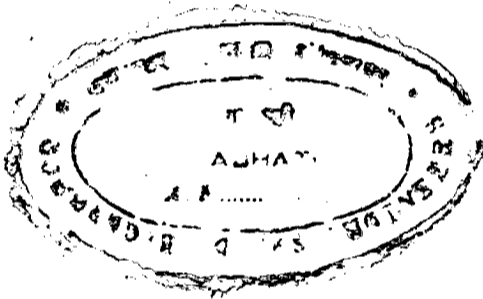
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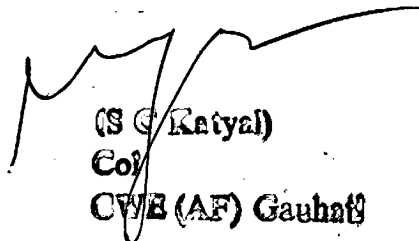
VERIFICATION

I, Col S.C.Katyal, Commander Works Engineers,
A/F, Guwahati do hereby solemnly affirm and declare
that the statements made in paragraph-1 of this Written
Statement are true to my knowledge and those made
from paragraph 2 to 12 are derived from records, which
I believe to be true and rest are humble submissions
before this Hon'ble Tribunal.

28th
24

I sign this Verification on this day
of August, 1995 at Guwahati.




(S C Katyal)
Col
CWE (AF) Gauhati

20-11-1991
2452

42-
Purv Kam n M. Chyalay
HQ East in Command
Abhiyanta Shakra
Engineers Branch
Fort William, Calcutta-21

131306/1/2/Engrs/EIC(1)

27 Sep 91

Chief Engineer

C. E. G. G. G. G.

Shillong Zone
Calcutta Zone
Siliguri Zone
CFC (Civ) Cell Calcutta
(Range) R-D Balasore

Commandant ESD Kankinara
ACE (1) Stores Calcutta

OR

FR

3036 3073

3085

POSTING/TRANSFER : POLICY GROUP 'C' AND
'D' EMPLOYEES OF THE MES

1. The broad principles under which transfer of Group 'C' and Group 'D' Civilian subordinates are stipulated in Ministry of Defence OM No. 13(1)/70/D(Appts) dated 29 Nov 72 and 32(4)/73/D(Appts) dated 21 May 75. As laid down therein Groups 'C' and 'D' personnel may be transferred from one station to another under the following contingencies :-

- Adjustment of Surplus/Deficiencies.
- Promotion
- Compassionate grounds/Mutual basis.
- Exigencies of service or administrative requirements.

2. The staff employed on executive duties or where financial dealings and contacts with the public could be made, the turn-over should however be carried out. No person should be allowed to hold a particular sensitive appointment for a period of more than 3 to 4 years. It will be ensured that personnel posted to out-stations on such turn over are not due for posting to tenure station and should also be genuinest in the station.

3. Adjustments within the same station can be ordered by the CE Command/CE Zone/CWE (highest authority in the station). A copy of all such posting orders issued in this regard by CE Zone/CWE will be endorsed to this HQ. However, CE Command can only order postings outside the station. The following guide lines may be followed for planning of Postings/transfers :-

(a) Gde IIs should be turned over from one Division to another Division within the same station. In case that is not possible because there is only one Division in that station, they should be transferred from one B/R Sub Division to another B/R Sub Division or one section to another section in the case of E/N or B/S Staff.

(b) Gde Is (Engineer, Surveyor and B/S Cadres) should be turned over from Executive/sensitive post to staff and vice versa. They should be moved from one Division to CE/CWE HQ office or another Division. In case there is only one Division/Sub-division in a station, they shall be transferred to another station. The proposals for such changes will be submitted by Zones to HQ Eastern Command, Engrs Branch.

Attested

..... 2/-

350(CA)

4136/P/218
541(CA)

(P R Jungla)

Lt

Adm Officer

For CWE (AF) Gawahat

13/10/03
RIS
5/10

43-

POST

1) circular
to all sec.
2
(c) Clerks, Store-Keepers and other categories of staff working in a sensitive section(s) will be transferred to another non-sensitive section(s) within the Division or another Division or CE/CWE HQ, as far as possible within the station.

POSTING ON ADMINISTRATIVE GROUNDS

4. Non Industrial will normally be posted to tenure stations or other station on administrative grounds. Where it is considered that such a step is absolutely essential, prior personal approval of the Chief Engineer/Addl CE Command will be obtained. If an individual to be posted out on administrative grounds happens to be due for posting to a tenure station, he will be posted out to a tenure station even if this involves posting out-of-turn. The Chief Engineer Command will inform full details to E-in-C's Branch simultaneously in the form of a statement of case. For individuals protected against transfer, prior approval of E-in-C will be obtained.

LIABILITY FOR ALL INDIA SERVICE

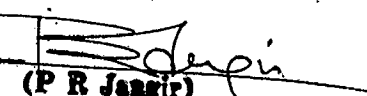
5. Non-industrial personnel are Command based and industrial personnel are Area based. Normally their posting should be restricted to the Command/Area respectively. If due to becoming surplus a situation arises for posting out of Command/Area, the provisions of paras 10 and 11 below will be followed. In case of surplus promotees to be posted out of Command, the provisions of para 10 below will be followed.

ENBLOC MOVEMENT OF OFFICE/WORKS UNITS

6. In the exigencies of service, situations may arise when Offices/Works units are asked to move enbloc to other locations. In such cases the personnel to be moved should be selected based on their length of service in the station i.e. the longest stayees should move by making local adjustments.

7. In determining the longest stayee in a station all MES units located in that station including satellite stations will be taken into consideration. The seniority in that station will be decided by the Chief Engineer Command. Grouping of various units in a station including adjacent localities will be decided by the Chief Engineer Command and intimated to lower formations for information of all concerned in advance. Volunteers, if any, will be given preference in all such cases.

Attested 3/-


(P R Jangir)
Lt
Adm Officer
For CWE (AF) Gawshati

-425-

R-I

POSTING ON PROMOTION - 'SELECTION' POSTS

8. When the DPC panel is out, E-in-C's Branch, Army HQ will decide as to how many promotees will be adjusted within that Command and how many will move out. This decision will be primarily guided with a view to balance the deficiencies in all the Commands. If promotees within a Command are more than the numbers allocated by E-in-C's Branch, Army HQ, to be adjusted within that particular Command, the surplus promotees will be posted out to other Commands if volunteers are not available. Before any promotee is adjusted even within the Command, the longest stayees amongst the promotees in non-tenure stations in a Command will move to other Command as allocated. The period to determine the longest stayee for this purpose will be from the time he returned last from a tenure station. Thereafter, the left overs will be adjusted within that Command based on the seniority in their respective stations. The promotees transferred to other Command will be adjusted in the tenure stations of the receiving Commands. In case there is no vacancy in tenure station, the promotees will be posted to a non-tenure station with the personal approval of the CE of receiving Command. That non-tenure station will be treated as tenure station for the concerned individual for all purposes. On completion of normal tenure of two to three years as the case may be, they will be repatriated to the parent Command in the manner specified in paras 27 and 28 below.

9. Instances may arise when an individual has to move out on ad-hoc promotion to another station either within or outside the Command. At the time of regular DPC, if this individual does not make the grade or his seniority is altered in the DPC panel, he will continue to serve in the lower grade in that station where he was posted on ad-hoc promotion.

ADJUSTMENT OF SURPLUSES WITHIN AREA/COMMAND/INTER COMMAND

10. In all cases where non-industrial staff are rendered surplus by reduction in the authorised strength and their adjustment in the same Command becomes necessary, the longest stayees in the station will be posted out. In the case of postings involving inter-command transfers the junior most person in the grade within the Command will be declared surplus.

11. In case of industrial personnel when transfers are involved to various agencies of service within the Area, the longest stayees will be posted out. In the case of industrial personnel rendered surplus due to reduction in the authorised strength and if their adjustment out-side the CWE Area becomes necessary, the junior most in the grade will be posted. Volunteers will be given preference in all such cases.

Attested

..... 4/-



(P R Jangir)

Lt

Adm Officer

For CWE (AF) Gwalior

TIMING OF TRANSFERS

12. Care will be taken to ensure that transfer are avoided as far as possible during the middle of the academic year and any exception should only be to meet a really emergent requirement in the exigencies of service. It will be desirable to give three months time in the posting order for the move to be completed to enable individual to sort out his personal administration. However, on administrative grounds, should be implemented forthwith.

AGE FACTOR

move mentioned in the - P-8070

13. Persons having attained the age of 55 years prior to the date of issue of posting order should not be transferred except at their request to stations of their choice. However, if they have to move on promotion and if there is no clear vacancy in the station where they are serving, they will still be moved irrespective of the consideration of age. For the above purpose the age to be considered will be the date of issue of posting orders by this HQ.

COMPASSIONATE POSTING/MUTUAL TRANSFERS

14. Following guidelines for compassionate postings will be followed :-

- (a) Individuals should themselves apply for compassionate posting through proper channel. Applications from relatives or received directly should be rejected and attempts to bring outside pressure should be discouraged.
- (b) Applications on domestic grounds should be verified in consultation with civil authorities, if the CWE/CE Zone is not satisfied of the genuineness of the grounds.
- (c) Applications on medical grounds should be accompanied by appropriate medical certificates from Authorised Medical Attendant (where AMA is not available, from Registered Medical Practitioner) indicating the nature of illness and justification for transfer of the individual.
- (d) This HQ will order a board to assemble every six months to screen these requests.
- (e) Compassionate postings shall only be affected against clear vacancies failing which against volunteers.

As per instructions issued vide this HQ letter No 131306/2/
Policy/11/Engrs/ELC(I) dated 26 Sep 91. 5/-

Attested

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

Adm Officer

For CWE (AF) Guwahati

(f) Applications for mutual transfers may be considered by this HQ for reasons other than on compassionate grounds.

(g) To avoid grant of undue benefit it will be ensured by this HQ (before compassionate/mutual transfers are accepted and orders issued) that affected persons are not due for posting to tenure stations.

(h) All mutual postings and those on compassionate grounds will be at the expense of the individual.

15. Mutual transfer is not to be treated as a compassionate posting and no protection can be claimed by the individual.

POSTING OF FEMALE EMPLOYEES

16. Female employees except a volunteer may be exempted from tenure posting irrespective of the fact whether the tenure station has the normal living facilities or not. However, in case of promotion, if there is no vacancy at the present station, the female employees will be posted to any station where vacancy exists.

17. Female employees who are posted from a peace station to another peace station to make room for tenure completed employees, will be considered for repatriation to their choice/last station on completion of a minimum of 3 years stay at the new station. Wives employed on compassionate ground are exempted from posting on transfer.

18. Where both the husband and wife are Central Govt employees, the present policy to keep both at the same station, as far as possible, may be maintained. However, there will be no exemption to the husband from tenure posting in his turn. On repatriation, the husband will as far as possible be posted to a station where his wife is employed subject to the availability of a suitable vacant post; provided it does not tantamount to successive executive/sensitive appointments.

PROPORTIONING OF MILITARY/CIVILIAN CADRE POSTS

19. The ratio of the MES Militarised Cadre and Civilians will be maintained, on station basis and not on unit/formation basis. No compulsory posting on this account from a station where more civilians than authorised, are held, will be made. The imbalance of vacancies will be rectified gradually. No civilian can claim retention or will be retained in the Station/Command against quota reserved for militarised cadre unless such vacancies are specifically released by the F-in-C's Branch.

..... 6/-

Attested


(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

TURN OVER : TENURE STATIONS

TIMING OF TRANSFERS

20. Transfer of individuals to tenure duty station will as far as possible, be carried out in bulk once a year in the month of February/March with instructions to complete move by May/June. This timing is convenient from administrative point of view and will also ensure that the affected personnel are not put to difficulties regarding the education of their children.

CRITERIA FOR SELECTION

21. The following instructions will be followed while nominating subordinates to tenure duty station :-

(a) Volunteers, preferably those who have completed 3 years in a station, will be given preference.

(b) Personnel who have not done service in a tenure station since joining the MES provided the individuals have completed 3 years stay in the station.

(c) Personnel posted to the MES under adjustment of surpluses/deficiencies scheme reckon seniority for the purpose of promotion/confirmation from the date they join duty in the MES. Their seniority for posting to tenure station will also reckon from the date of joining MES. No weightage will be given for service rendered in a tenure station prior to joining MES.

(d) Every individual nominated for service in tenure station must complete his full tenure before posting back to one of his choice stations. For the purpose of determining the period of stay in a tenure station, an individual must be physically present in that office for the full period of tenure excluding the period of absence on leave, training or otherwise. If, for reasons, due to illness or extreme compassionate grounds an individual is repatriated prior to completion of his tenure, he will again be nominated to tenure station after an expiry of 3 years of service. Unit will submit proforma particular as per Appx 'A' attached in respect of individuals who have actually completed/will be completing their full physical tenure service upto 30 Jun of that year. These facts should be checked thoroughly and certified by an officer under his signature just below the statement of nominal roll.

(*) However, the period of leave awarded to the individual of leave earned during stay at the tenure station will be included in the tenure period for determining the physical stay" Attested

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

(e) Nomination of persons who have already done a tenure will be done strictly on the basis of their last date of return from tenure station.

The normal age limit for tenure station posting is 50 years. Subordinates over 50 years may also be posted for tenure but none will be retained at a tenure station beyond the age of 53 years. Subordinates above 50 years of age will not be posted to snow-bound areas and tenure stations where the tenure is 2 years. The age for such postings will be considered as on date of issue of posting order.

(g) Those posted from one Command to another on compassionate grounds will not be nominated until completion of 3 years service in the choice station. This protection is not available to persons who have moved on mutual posting.

TENURE STATIONS

22. A list of tenure stations in this Command drawn from time to time is circulated to all lower formations separately. In case a station is tenured or detenured, its affect will not be made applicable from retrospective date. A list is att as Appx 'D'.

MAINTENANCE OF PANELS FOR NOMINATION TO TENURE STATIONS

23. This HQ will maintain the panels as stated in para 21 above and nominate/post personnel to tenure stations as per panel seniority in the absence of volunteers. A list of volunteers will also be maintained separately for the purpose. The names of volunteers in a consolidated list will be forwarded to HQ Eastern Command (Engra Branch) by 31 Dec every year.

24. Industrial personnel on promotion to Supdt Gde II will be liable for nomination to tenure station provided the individual has completed 3 years stay in the station. The nomination will be based on the date of their last return from tenure station. Those who have not done any tenure service earlier, seniority will reckon from the date of their appointment.

25. Disabled persons should not be posted to a tenure station if the disability prohibits his free movement/functioning. The case shall be decided by CE Command on merits.

SERVICE PERIOD IN TENURE STATIONS

26. The tenure service period is 3 and 2 years as applicable to tenure stations as mentioned in para 22 above.

..... 8/-

Attested

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

REPATRIATION AFTER COMPLETION OF TENURE

27. An individual serving in a tenure station may submit his choice of any three stations provided it does not tantamount to successive executive/sensitive appointments. Where an individual does not give any choice station or gives only one/two choice stations, he will be liable for posting to any normal station and posting will be ordered accordingly. However, efforts will be made to post an individual to his choice station subject to availability of vacancy.

28. On completion of tenure, the individual will be adjusted at one of three choice stations given by him in the repatriation form. In the case of non-availability of a vacancy in any of the three choice stations, the longest stayee from one of the choice stations who has completed three years or a volunteer may be moved out to a nearer station/choice station as far as possible where a vacancy exists. The longest stayee in that particular category will be determined clubbing the three choice stations of the repatriatee (For example, a Supdt B/R Gde II has given three choice stations viz, Calcutta, Kalaikunda and Panagarh. In the event of no clear vacancy at any of these stations the longest stayee in the category of B/R II at Calcutta, Kalaikunda and Panagarh with stay of 5, 6 and 7 years respectively, the longest stayee at Panagarh will be moved out to a nearer station/choice station as far as possible). In case there is no individual who has completed 3 years in any of the three choice stations as given by the repatriatee; then he has an option to continue at the tenure station till a vacancy is made available by moving an individual who has completed three years at one of the choice stations.

29. If, however, it is found that there are too many requests for posting to a station, E-in-C's Branch will lay down a period of service which an employee may require to render outside that station, before his request for posting to that station can be considered, in consultation with the Ministry of Defence.

OVER STAY IN TENURE STATIONS

30. In case of delay in repatriation of an employee from a tenure station due to administrative difficulties of the Department, he will be given the benefit of deferment for his reporting to tenure station in his next turn for such posting; the exact period for which the benefit is to be given will be decided by CE Command, based on the following norms :-

- (a) Upto six months stay in excess of the tenure.
No benefit to be given.
- (b) Over stay of over six month and upto 12 months.
Deferment of 6 (Six) months.
- (c) Over stay of over 12 months and above.
Deferment of one year.

Attested

..... 9/-

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

to

30/11/84

31. The above benefit will not be admissible to an individual who delays his move on repatriation for his own reasons. The overstays will be worked out on the basis of physical attendance in the office. In this connection refer to para 21 (d) above.

DECLARATION OF HOME TOWN

32. As per the above policy a new recruit should not be posted to a tenure station on first appointment, but in case he is a volunteer or he belongs to that area he can be posted there. In case he belongs to that area, this stay will not be counted towards his tenure posting, but if he is a volunteer that will be so counted. New recruits selected during recruitment held at the tenure station cannot claim posting to non tenure station by declaring it as his home town. He will also have no right to claim turn over to non tenure station on completion/minimum laid down tenure.

REPRESENTATIONS

2 of

33. Representations if any against the posting order, will be made by the affected individual within 15 days of the receipt of posting order in the concerned office. When the representation received through proper channel is considered and rejected by the CE Command, the concerned individual will move without delay. Contingency may arise when the individual not being satisfied with the decision of the Chief Engineer may represent his case to the E-in-C. The move of the individual will not be held up on this account. In case the decision of the E-in-C is in his favour, the individual will be brought back at Government expense in the first available vacancy.

34. This policy will be effective from the date of issue.

35. This supersedes previous policy issued vide this HQ letter No 131306/1/389/Engrs/EIC(1) dated 22 Sep 84 as amended from time to time.


(S K Puri)
Brig
Addl Chief Engineer
for Chief Engineer

Copy to :-

All C&WE/GEs

ab/*

Attested


(P R Jangir)
Lt
Adm Officer
For CWE (AF) Guwahati

Appendix 'A' to Chief Engineer
Hq Eastern Command letter No
131306/1/2/Phz/EIC(I) dated
Sep 91.

LIST OF PERSONNEL DUE FOR TURN OVER FROM TENURE STATION

Ser No	MES No, Name & Designation	Date of birth	Fmn served during last 10 years			Home Dist	Three choice stns	Period of absence from tenure station(on lve/course/ trg except casual lve and temp duty)	Reasons for posting to existing unit/station	Remarks
			Fmn	From	To					
1	2	3	4	5	6	7	8	9	10	11

" certified that the above information have been verified from the official documents and found correct."

Station :

Dated :

(Signature of the officer)

Attested

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

1242/B8/R1B - 82 - Ammaing 2-3
Telo : 282321/2918

✓ *LWE (AF)*
Gauhati
Fury Koman Mukhyalaya
H. Eastern Command
Abhiyanta Shakra
Engineers Branch
Fort William, Calcutta-21

131322/2/92/5A/ 18 /Engrs/EIC(I)

03 Nov 92

Chief Engineer

Shillong Zone, Shillong
Shillong 4 No. (Gangdubi)
(AF) Shillong Shillong

POSTING/TRANSFER ON TURN OVER B/S GDE-I

1. The following B/S Gde-I were applied for turn over posting but due to the reasons mentioned against their names, their cases have not been considered for posting on turnover :-

Ser No	MES No	Name	Unit	Remarks
1.	263547	Shri Tapan Kumar Bhattacharjee	GE (P)	Not replacement available
			872 EUS	at choice stations, hence not considered.
2.	210152	Shri Ram Dhhri Yadav	GE Gantok	-do-
3.	242059	Shri Pradip Kumar Baruah	CWE (AF) Gauhati	-do-
4.	201059	Shri R S Chawla	GE 1. xpur	-do-

1. Please, inform the individual accordingly.

(K R Rao)

Capt

Adm Officer I

for Chief Engineer

Copy to :-

All concerned fms/units.

Attested

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

File : 248/2321-2918

Annexure R-3
1772/BS/193 36/7 48
Pur: Kaman Mukhyalaya
HQ Eastern Command
Abhiyanta Shakha
Engineer Branch
Fort William, Calcutta-21
- 83 -
4

131322/2/93/5A/ 10 /Engrs/EIC(I)

26 Apr 93

Chief Engineer
Shillong Zone, Shillong
A/F Shillong, Shillong
Siliguri Zone, Sevoke Rd

POSTING/TRANSFER ON TURN OVER: SUPVR B/S GDE I

1. The following S pvr B/S Gde I were applied for turn over posting but due to the reasons mentioned against their names, their cases have not been considered for posting on turn over :-

Sl No	MES No & Name	Unit	Reasons
(a)	MES-210152 Shri Ram Dhari Yadav	GE (P) Gangtok	No replacement available at his choice stations. Hence not considered.
(b)	MES-242059 Shri Pradip Kumar Baruah	CWE Gauhati	Individual serving at his choice station. Hence not considered.
(c)	MES-201059 Shri R S Chawla	GE Tezpur	No replacement available at his choice stations. Hence not considered.
(d)	MES-465428 Shri K K Rai	GE Borjar	-do-

2. Please inform the individuals accordingly.

Copy to :-

All concerned Fms/units.

CWE (AF) Gauhati

Attested

Lt
Adm Officer
For CWE (AF) Gauhati

(K R. Rao)
Capt
AO-I
for Chief Engineer

49-
54-
Annexure R-4
91
POSTING ORDER NO: 59

Tele : 249-2321/2316

Mukhyalaya Purv Kanan
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William, Cal-21

131322/2/94/5A/24 /Engrs/EIC(I)

26 Oct 94

CE Calcutta Zone
CE (AF) Shillong Zone
CE Shillong Zone
CE Siliguri Zone
GE (I) R&D Balasore

POSTING/TRANSFER ON TURN OVER : SUPER B/S GDE-I

1. The following Posting/transfers are hereby ordered in the interest of State :-

Ser No	MES No & Name	Posted		Remarks
		From	To	
(a)	(b)	(c)	(d)	(e)
1.	237822 Shri Tonkeswar Das	GE (AF) Jorhat	CWE (AF) Guwahati	✓
2.	242059 Shri PK Baruah	CWE (AF) Guwahati	GE (AF) Jorhat	✓
3.	220023 Shri BB Biswas	GE 585 ESP	GE (I) R&D Balasore	✓

(item three only)

2. The move will be completed in direct correspondence between the Engg/units concerned by 31 Dec 94.

3. Your attention is drawn to this HQ letter No 131306/1/96/Engrs/EIC(I) dt 15 Mar 93 for strict compliance and any lapse in complying these instructions will be viewed seriously. All concerned may be warned accordingly.

Copy to :-

All CSE/GEs/AGEs(I) concerned

Internal

EID, EIR, EDP, M/F and Office copy Attested

(M S Sidhu)
Lt Col
Offg Col (Pers)
for Chief Engineer

(P R Jangir)

Lt

Adm Officer

For CWE (AF) Guwahati

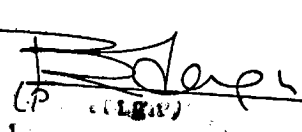
E-1 SECTION (EIB)POSTING SUPVR BS GDE I XXIX
& II

1. The undermentioned individuals of your section are stands posted to the unit mentioned against each. The move to be completed by 31 Dec 94. Please inform individuals accordingly:-

Ser No	MES No. & Name	Unit From	Unit To	Auth
(a)	242059 Shri PK Baruah, BS Gde I	CWE (AF) Gauhati	GE (AF) Jorhat	HQ CEEC Calcutta letter No 131322/2/94 5A/24/Engrs/ EIC(I) dt 26 Oct 94.
	8 Shri Perjee, II		GE (AF) Bagdogra	131322/2/94/ 5B/41/Engrs/ EIC(I) dt 26 Oct 94.

(Swaran Singh)
Lt
Adm Officer

Attested


(P. (L.E.P.))
Adm Officer
For CWE (AF) Guwahati

To

CWE (AF) Gauhati

(Through proper channel)

POSTING/TRANSFER ON TURN-OVER BASIS

Sir,

Reference HQ CE EC Calcutta letter No 131322/2/9454/24/Engrs/EIC(I) dated 26 Oct 94 and your No 1242/BS/120/LIB dated 13 Jan 95.

Respectfully, I beg to state the following few lines in connection of my posting order to GE (AF) Jorhat issued vide Chief Engineer, Eastern Command, Calcutta letter cited above.

That Sir, as I learnt from you that my appeal dated 21 Nov 94 for defferment had been turned down by CE Command basing on the remarks made by my office.

Since my replacement Shri Tankeswar Das, B/S Gde, is holding charge of furniture and stores in GE (AF) Jorhat, I am suppose to move first as per existing policy/order.

It is therefore, your kindness is requested for issuing Movement Order so that I could move in the last week of May 95 or first week of Jun 95 after over of School academic year of my children giving opportunity to accomodate them in my new Station.

Thanking you,

Yours faithfully,

Station : Gauhati-09

Dated : 22 Mar. 95

(P K BARUAH)

MES- 2-12059

Supvr B/S Gde I

Attested

(P R Jena)

Lt

Adm Officer

For CWE (AF) Gauhati