

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. OF 1995  
 TRANSFER APPLN.NO. OF 1995  
 CONTEMPT APPLN.NO. 1 OF 1995 (IN C.A. NO. 182/95)  
 REVIEW APPLN.NO. OF 1995 (IN NO.)  
 MISC.PETITION NO. OF 1995 (IN NO.)

.....D.Wankar Singh..... APPLICANT(S)

.....Dr. V.K. Singh.....RESPONDENT(S)  
 (U.O.) R.R.C.

For the Applicant(s)

Mr. O.P. Bhattacharya

Mr.

Mr.

Mr.

For the Respondent(s)

Mr. S. Ali, Sreasth

OFFICE NOTE

DATE

ORDER

This application is filed by Sri O.P. Bhattacharya, advocate for the applicant for contempt of court u/s 17 of the A.T. Act, 1985 for ignoring and disobeying the order dt. 15.9.95 passed in O.A. 182/95 by this Honble Tribunal. A draft charge is not enclosed alongwith the petition. Laid before the Court for perusal or further orders.

5.2.96

pg

7-2-96

lm

Learned counsel Mr J.C.Gour for the applicant moves this contempt petition against Dr V.K.Singh, Officer-in-charge, Regional Research Centre(Ayur Veda), Itanagar on the alleged ground of violation of this Tribunal's order dated 15.9.95.

List on 7.2.96 for consideration of admission.

Member

Mr.J.C.Gaur for the applicant. Mr.S.Ali, Sr.C.G.S.C. for the respondents.

Arguments of both the counsel are heard and concluded. Order delivered in the Court. Contempt Petition is disposed of on withdrawal.

Member

Deputy Registrar (C)  
 Central Administrative Tribunal  
 Guwahati Bench

2-2-96

Copy of order dt. 7-2-96 issued to the parties vide d.no. 2804 dt 28.05.8.28.8.96

(contd.to Page No.2)

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

OFFICE NOTE

DATE

ORDER

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Contempt Application No.1/96 in O.A. No.182/95

Date of Order: This the 7th Day of February 1996.

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

Shri Dwarika Singh, Son of Late Rudal Singh,  
Resident of Regional Research Centre, (Ayur Veda),  
P.O. Itanagar-79111, Arunachal Pradesh.

..... Applicant.

By Advocate Shri G.P.Bhati and Mr. J.C.Gaur.

-Vs-

Dr.V.K.Singh,  
Officer-in-Charge, Regional Research Centre,  
(Ayur Veda), P.O. Itanagar-79111  
Arunachal Pradesh.

..... Respondents.

By Advocate Mr.S.<sup>A</sup>11, Sr.C.G.S.C.

O R D E R.

SANGLYINE, MEMBER(A):

This petition has been submitted by Shri Dwarika Singh, Driver, in the office of Regional Research Centre (Ayur Veda), Itanagar, Arunachal Pradesh alleging contempt by Dr.V.K.Singh, Officer-In-Charge, Regional Research Centre(Ayur Veda), Itanagar, Arunachal Pradesh. According to the applicant the alleged Contemner had not complied with the order dated 15-9-95 in O.A. No.182/95 in which the present petitioner was the original applicant. The relevant portion of the order which is alleged to have been violated is the following order:-

"However, the respondents are directed to consider the representation dated 22-7-95 (Annexure F to the application sympathetically and dispose it of within one month from to-day.

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7/2/96

The respondents are also directed to retain the applicant in Itanagar till disposal of his aforesaid representation."

Heard learned counsel Mr.J.C.Gaur. The petition is not entertainable on the following ground:-

- 1) The alleged contemner in this petition is Dr.V.K.Singh, Officer-In-Charge, Regional Research Centre(Ayur Veda), P.O. Itanagar-79111, Arunachal Pradesh. There is no respondent in original application by such name or designation. Learned counsel Mr.Gaur has submitted that the designation of the alleged contemner is the same as the respondent No.4 in the original Application. It is seen that the Respondent No.4 in the original application was the Resident Officer-In-Charge, R.R.C.(Ayurveda), Itanaga

In view of the difference in description of <sup>designation</sup> given in O.A. and in the present Contempt Petition, such contention is not accepted.

Mr.J.C.Gaur at this stage wants to withdraw the petition with the request to allow him to submit a fresh petition without prejudice to the contentions raised in the present petition.

His submission is considered and prayer is allowed.

The Contempt Petition is disposed of on withdrawal. The petitioner may file fresh petition <sup>if he is so advised,</sup> and is at liberty to raise all contentions which have been raised in the

contd/-

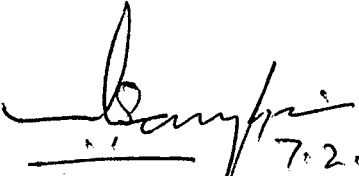
7/2/96

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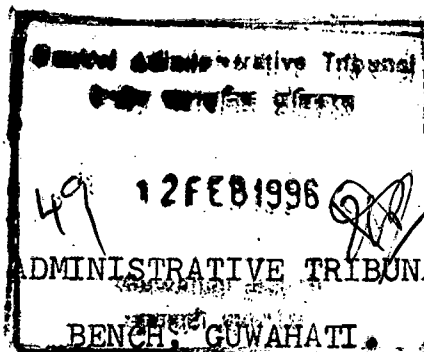
present petition.

Mr.S.Ali, Sr.C.G.S.C. is present.

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

  
7.2.96  
(G.L.SANGLYINE)  
MEMBER(A)

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

Contempt petition No. 1 of 1996.

IN THE MATTER OF :

An application under Section 12 of  
the Contempt of Courts Act, 1971 ;

-And-

IN THE MATTER OF :

Violation of Order dated 15.9.95  
passed by the Hon'ble Tribunal in  
Original Application No. 182/95 ;

-And-

IN THE MATTER OF :

Shri Dwarika Singh, son of Late Rudal  
Singh, resident of R.R.C. (Ay), P.O.-  
Itanagar, Arunachal Pradesh.

... Complainant

-Versus-

Dr. V.K. Singh,

Officer-in-charge, Regional Research  
Centre (Ayur Veda), P.O.-Itanagar, -79111,  
Arunachal Pradesh.

... Contemner.

Contd-2...

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211200/1298

Filed by -  
Shri Dwarika Singh  
through - Complainant  
J. K. Singh (D.C. & A.V.R.)

The humble petition of the Complainant-

MOST RESPECTFULLY SHEWETH :

1. That the Hon'ble Tribunal was pleased by its Order dated 15.9.95 passed in O.A.No.182 of 1995 directing the respondents to dispose of the representation within 1 month from the date of the said order and retain the complainant in Itanagar till disposal of his representation dated 22.7.95.

A copy of the order dt. 15.9.95 is annexed hereto and is marked as Annexure-A.

2. That the complainant by his letter dated 21.9.95 informed the contemner about the order of the Hon'ble Tribunal and requested the contemner for retaining the complainant in Itanagar till disposal of representation dated 22.7.95.

A copy of the letter dated 21.9.95 is annexed hereto and is marked as Annexure-B.

3. That on receipt of letter dated 21.9.95, the contemner by letter dated 22.9.95 informed the complainant that the complainant has been relieved with effect from 2.9.95 and alleged that as the complainant refused to accept relieving order sent to him through peon.book on 2.9.95 A.N., the copy of the same was sent to the complainant by registered post and placed on the Notice Board of the Office.

The copy of the letter dated 22.9.95  
is annexed hereto and marked as Annexure-C.

4. That the complainant begs to state that no such notice dated 2.9.95 as alleged was never served upon the complainant and the contemner manufactured the letter dated 2.9.95 and contents of the letter dated 22.9.95 after being informed of the order passed by the Hon'ble Tribunal with sole intention to deprive him of his right to join the service or duty.

5. ~~THAT~~ That as the contemner did not allow the complainant to join the duties in pursuance of the order passed by the Hon'ble Tribunal, the complainant took up the matter with the Director, New Delhi by letters dated 25.9.95 and 27.9.95. In spite of such efforts by the complainant, the complainant was not allowed to join.

The copies of the said letters are  
annexed hereto and are marked as  
Annexure-D and E respectively.

6. That the complainant begs to state that however the contemner by letter dated 18.11.95 received on 25.11.95 by the complainant sent the letter dated 1.11.95 issued by the Deputy Director (Admn.), for Director that the representation dated 25.9.95 of the complainant had been considered and the same could not be acceded to.



9  
20/10/13

The copies of the said letters are annexed hereto and are marked as Annexure-F and G respectively.

7. That the complainant begs to state that the letter dated 25.9.95 sent by the complainant to the Director was not a representation and further the Hon'ble Tribunal did not direct the consideration of the same but the Hon'ble Tribunal directed to consider the representation dated 22.7.95 and as such, till the date of filing of this petition there is no effective order passed by the competent authority on the representation of the complainant dated 22.7.95.

8. That the complainant begs to state that in view of aforesaid facts, the contemner had wilfully disobeyed the order passed by the Hon'ble Tribunal whereby the complainant was not allowed to join his duties at Itanagar in pursuance of the order dated 15.9.95 and the contemner is liable to be punished for contempt of court.

9. That this petition is made bonafide and in the interest of justice.

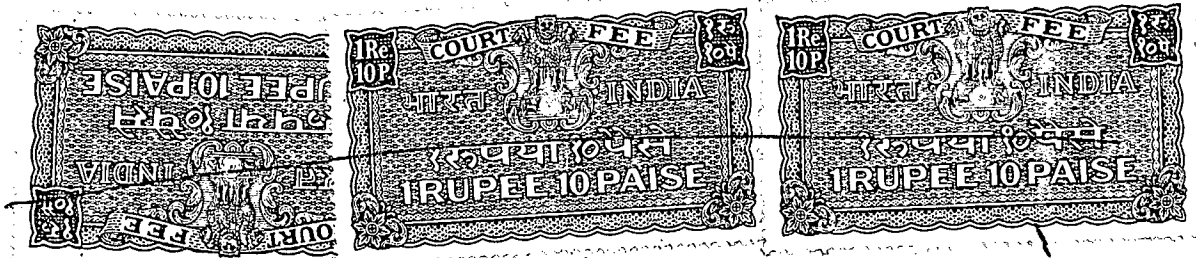
It is, therefore, prayed that the Hon'ble Tribunal may be pleased to issue show cause notice calling upon the contemner to show cause as to why the contemner should not be punished

5/10/95

for wilful violation of the order  
dated 15.9.95 passed in O.A. No.182/95  
by this Hon'ble Tribunal or pass such  
or further order as to the Hon'ble  
Tribunal may seem fit and proper.

And for this act of kindness, the complainant  
shall ever pray.

Affidavit/5...



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A F F I D A V I T

I, Shri Dwarika Singh son of Late Rudal Singh, aged about 38 years, resident of RRC (A Ay), P.O.- Itanagar, Arunachal Pradesh do hereby solemnly affirm and state as follows :-

1. That I am the complainant in this case and as such, I am fully conversant with the facts and circumstances of the case.

This is true to my knowledge.

2. That the statements made in paras 4, 7, 8 and 9 are true to my knowledge, those made in paras 1, 2, 3, 5 and 6 are true to my information derived from record and rest are my humble submission.

Identified by,

Jha  
Advocate.



21/2/96  
DEPONENT

Solemnly affirmed and stated before me by the deponent who is identified by Sri J.C.Gour, Advocate, on this 2nd day of February, 1996 at Guwahati.

2/2/96  
JUDICIAL MAGISTRATE  
AT GUWAHATI.  
District Magistrate  
Guwahati

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI.

ORIGINAL APPLN. NO. 182 of 1995.

Dwarika Singh :: Applicant(S)

-Vs-

U.O.I &amp; Ors. :: Respondent(s)

For the Applicant (S) PF Mr.O.P.Bhati,  
Mr.J.C.Gour.

For the Respondent(s) :: Mr.S.S Ali, Sr.CGSC.

DATEO R D E R

15.9.95

Learned counsel Mr.O.P.Bhati moves this application. Learned Sr.C.G.S.C.Mr.S.Ali , is present for the respondents.

The applicant has impugned the transfer order F.No. 122-2/86-CCRAS/Estt. dated 10.7.95 (Annexure-D) of the application) transferring him from Itanagar to Ziro. I find that there is no case for scrutiny and decision relating to his transfer. The grounds given by the applicant are humanitarian and personal grounds. These may be considered by the appropriate authority of the department in which the applicant is serving. The other ground is that he is a person from outside North Eastern Region and since he has served in the North Eastern Region for a long time he is to be posted to a place of his choice. This matter may also be considered by the respondents if the applicant exercises his choice of place of postings.

The application is therefore not entertained. However, the respondents are directed to consider the representation

Contd-8...

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7/12/95

dated 22.7.95 (Annexure F to the application sympathetically and dispose it of within one month from today. The respondents are also directed to retain the applicant in Itanagar till disposal of his aforesaid representation. //

The application is disposed of as indicated above.

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

Sd/-MEMBER (ADMN)

-9-

To,

The R.O.-In-charge  
Regional Research Centre (Ay)  
Itanagar (A.P).

Sub:- Submission of Judgment of the Hon'ble  
C.A.T., Guwahati branch in connection with  
transfer posting at Zero-regard.

Sir,

With due respect I am to draw your attention towards the subject cited as above and have to submit that due to some urgent domestic works, I applied for sanction of casual leave for four days from 4.9.95 to 7.9.95. While I was on aforesaid casual leave, it was informed by some employees ~~casual-leavey-at-w~~ of the centre that your goodself is going to releave me from my duty, though, I did not find any response from the Director, C.C.R.A.S. New Delhi regarding my representation dated 22.7.95 through which I requested and desired to be posted at my choice place or be retained at Itanagar.

As obvious from the previous instances you have malafide intention and vindictive attitude towards me, so to ~~px~~ put me for vital sufference along with my family, you would releave me from my duty any time. So to get justice against the illegal and malafide transfer order No.122-2-86-C.C.R.A.S/Estt. dated 10.7.95 I was bound to rush towards the Hon'ble Court. Accordingly I moved an application before Hon'ble Central Administrative Tribunal, Guwahati, branch, being application No.182 of

Contd-10...

7/6/96  
24586

1995. The Hon'ble C.A.T. gone through the whole matter and awarded me justice vide its judgment order dated 15.9.95 photostate copy of which is attached herewith for your ready reference.

In light of the aforesaid judgment of the Hon'ble Central Administrative Tribunal, Guwahati branch, Guwahati it is therefore requested to your goodself that I may kindly be not releaved and should be retained to perform my duty at R.R.C.(Ag), Itanagar till disposal of my representation dated 22.7.95, where in I have requested to the competent authority i.e., the Director, C.C.R.A.S., New Delhi either to post me at R.R.I.(Ay), Patna or be retained at R.R.C.(Ag) Itanagar and oblige me.

With thanks.

Yours faithfully,

Sd/- Illegible

(D.Singh)

Driver, R.R.C.(Ag)  
Itanagar.

Dated 21.9.95.

Copy to :-

1. The Director, C.C.R.A.S., New Delhi for his kind information and necessary action in this regard please.

*2/10/95*

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## REGIONAL RESEARCH CENTRE (AYURVEDA)

ITANAGER -791111 : POST BOX NO.118

ARUNCAHAL PRADESH

(Under Central Council for research in Ayurveda and Siddha  
New Delhi An Autonomous Organisation under Ministry of  
Health and Family Welfare, Govt. of India).

Ref No. F.No.11-5/80-RCC/ITA/Estt/3105

Dated 22.9.95.

To,

Shri Dwarika Singh  
Ex-Driver, RRC(Ay), Itanagar,  
Qtr.No.A-21 Type 'A' , Nowb- II  
Itanagar-791111(A.P)

With reference to your ~~xx~~ letter dated 21.9.95 enclosing therein the photostat copy of the Judgment, Hon'ble ~~XX~~ CAT, Guwahati, vide No. 182 of 1995, it is to inform you that, this Centre has gone through the decision of Hon'ble CAT and has already been followed the order of Hon'ble CAT prior~~x~~ to the submission of this Judgment. You had been relieve from this Centre w.e.f. 2.9.95 A.N. only after receiving the decision of Council on your representation dated 22.7.95 through the ~~e~~ telegramme as communicated to you earlier.

Further, you have refused to receive the relieving order send to you through the peon book on dated 2.9.95 A.N.. As such the copy of the same was sent to your, local address through Registered Post and placed on this office Notice Board. Your all office records were also sent to your place of posting i.e. THCRP, Ziro (Arunachal Pradesh).

*Clear*  
*2/9/96*



It is therefore advised you once again to join  
at your transfer place of posting immediately as directed  
by Council.

Yours faithfully,

Sd/-Illegible,  
22.9.95

(Dr.V.K.Singh)

Officer-in-charge.

Copy to :-

1. Sh. S.Ali, Sr.Standing Counciler, CAT, Gauhati for  
favour of information and necessary action.
2. The Director, CCRAS, New Delhi- 58 for favour of  
information ,. The copy of the Judgment of Hon'ble  
CAT, Gauhati is enclosed for information.

*26/9/95*

OFFICER-IN-CHARGE

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To,

The Director,  
C.C.R.A.S.  
New Delhi.

(Through proper channel)

Sub:-Transfer posting at choice place R.R.I.(Ay.) Patna reg.

Sir,

In pursuance of my earlier representation dated 22.7.95 regarding the above mentioned subject where in I put in your kind notice the poor physical <sup>condition</sup> ~~condition~~ through which I along with my family is passing and medical certificate in this regard was also submitted and so urged to your honour to transfer me at R.R.I.(Ay.) ,Patna in stead of T.H.C.P. Ziro under the facility and provision laid down by the Govt. of India in its transfer policy for the employees working in N.E.Region.

That Sir, till date I did not find any reply from your good end. In the mean time , the R.O. Incharge R.R.C. (Ay.) Itanagar threatened me to releave me from my duty who has personal enmity with me only because I told my personal problem to perform his private duties and against his harassment submitted my request before your honour through which a few of his ~~mid~~ misdeeds were ~~transferred~~ <sup>transpired</sup>.

That Sir, due to the <sup>terror</sup> ~~terar~~ created by the Incharge Intanagar and the news heard from some staff about his mentality and motive to release me from duty while I was on casual leave, I having no alternative except to go to the Hon'ble Court, so I moved an application before the central

*Handwritten signature*  
2/2/96

Administrative Tribunal to get justice.

The Hon'ble C.A.T. Guwahati bench, Guwahati in its Judgment dated 15.9.95 (copy enclosed) directed the council to ~~g~~ transfer me at choiced place (R.R.I. Patna) or to retain me at Itanagar, ~~Will~~ disposal of case. But my request about it made on dated 21.9/95 was denied and I was served by a letter mentioned there in that I have been releaved from the centre which is a large manipulation (copy enclosed) because any letter to this effect prior to it has not been serve upon me.

Under the circumstances mentioned as above it is ~~urged~~ urged before your honour that I may kindly be transferred at R.R.I. (Ay.) Patna and till such order from your kind ~~and~~ I be allowed to perform my duty and receive my salary and other dues at R.R.C. (Ay.) Itanagar. So that I may not starve with my family members, for which I will be ever grateful to your honour. An earliest possible action should kindly be taken please.

With thanks.

Yours faithfully,  
Sd/-Illegible,  
25.9.95.  
(SHRI D. Singh)  
Driver R.R.C. (Ay.)  
Itanagar, (A.P.)

Copy to :-

1. The Secy. Ministry of Health and family Welfare, Govt. of India for his kind information and necessary action please.
2. The Gen. Secy. R.E.W.A. Madras and Joint Secy. E.E.W.A. (Eastern Region for the information and necessary action please.
3. The President Co-ordination committee of Central Govt. Employees and workers, Itanagar, A.P., for needful action please.

Yours faithfully,

Dated-25.9.95.

(SHRI D. Singh) Driver,  
R.R.C. (Ay.) Itanagar (A.P.).

26/9/95  
27/9/95

Annexure-E.

- 15 -

D.Rai  
Joint Secretary ('REWA')

Tel. Ph. 2284(0)  
Arunachal Pradesh  
Itanagar.

Date- 27.9.95.

To,  
  
The Director,  
C.C.R.A.S.  
New Delhi.

*27/9/95*

Sub:- Transfer posting of D.Singh, Driver, at R.R.E.(Ay.),  
Patna at his choice place reg.).

Respected Sir,

From the representation of Mr.D.Singh, Driver, addressed to your honour and copy enclosed to our Association, it has come in our notice that he has been transferred from R.R.C.(Ay), Itanagar to T.H.C.F. Zero, though he has completed the tenure of about 15 years in hard and remote area of N.E. Region. It is also come in our notice that this transfer came into enforcement on account of the back biting practice of the Incharge Itanagar since very post under which false and manipulating allegations are alleged upon the employees and transfer is made by way of punishment. It is also apperent as mentioned there in the representation by the employee that being apprehended by the prejudiced action and vindictive attitude of the authority R.R.C.(Ay). Itanagar, the concerned employee knocked the door of the Hon'ble C.A.T., Guwahati bench to get justice. The Hon'ble C.A.T. in its verdict dated 15.9.95 has directed the competent authority of the Council to transfer him choiced place R.R.I.(Ay.), Patna and till such disposal of his representation he should be retained at Itanagar.

*D.Rai*

Contd-16...

When the concerned employee submitted the aforesaid C.A.T. verdict to the authority of the centre Itanagar, a letter was served to him, mentioning there in that he has already been releaved from his duty. In fact any letter to this effect has not been servdd upon the concerned employee till date prior to aforesaid letter. Such billy rigidness and action by the authority R.R.C.(Ay), Itanagar is not only <sup>as</sup> dishonour of the Hon'ble C.A.T. verdict but also a clear attempt to enfreanze the fundamental right of the concerned employee and deprived him from the ligitimate opportunity to draw the advance T.T.A., D.A. etc.

It is well known fact that there is lack of uniform transfer policy in our Council and Govt. of India's rules and regulation and amendments as madetime to time are followed in our council in all its affairs. Assuch under the previsions of the incentives laid downvide O.M. No. 2001443.E, IV, dated 14.12.83, Ministry of Finance, deptt. of expenditure and D.O. letter No. 8/22/80/Estt.(PAY) II, dated 2nd June 1986 of the Secretary, Ministry of Personal and Training Administrative Reforms and publics Grivances and Pension, regarding transfer policy in practice for the employees working in N.E.Region and in light of the mistable physical condition of the concerned employee as has also been mentioned by him in his representation, deserves for consideration of his choice place of posting.

Under the circumstances mentioned as above it is therefore requested to your honour that the representation of Mr.D.Singh, Driver, R.R.C.(Ay), Itanagar may kindly be considered sympathetically on humaniterian ground and he

*J. Kumar*  
2/11/86

21/12/56  
C/14/113

should be transferred at his choiced place, R.R.I.(Ay.), Patna and to alluviate any confusion on any part an uninform transfer policy under the provision of rules and regulation of Govt. of India should kindly be introduced in our Council without any discremination.

It is also requested that the case of the concerned employee~~s~~ may kindly be disposed at an earliest possible and to avoid starvation of the concerned employee along with his family members, till such action from your good and his salary and other legitimate dues may kindly be disbursed to him at R.R.C.(Ay.), Itanagar for which I will be k highly obliged.

With Thanks.

Yours faithfully,

(J.D.Rai)  
Joint Secretary (REWA),  
Eastern Region.

Copy to :-

1. The Secretary, Ministry of Health and Family Welfare Govt. of India for his kind information and necessary action please.
2. The Dy. Director (Admn.), C.C.R.A.S., New Delhi for his kind information and necessary action please.
3. The Gen. Secretary, 'REWA' Madras to tack the matter at his level for necessary action please.
4. Copy to Sh. D. Singh, Driver, R.R.C.(Ay.), Itanagar for information.

21/12/56

Sd/- Illegible.  
(J.D.Rai),  
Joint Secretary (REWA).

22  
22/11/95  
Gm  
Annexure-F

-18-

REGISTERED POST

REGIONAL RESEARCH CENTRE (AYURVEDA)  
ITANAGAR

NO.11-5/80-RRC/Ita/PF/2304

Dated 18.11.95

To,

Shri D.Singh, Es-Driver,  
Qtr.no.A-21, Type-I,  
Lower Mowb-II,  
Itanagar.

I am enclosing herewith the Council's Memo in original vide its No.40-5/85-CCRAS/Estt. Dated 01-11-95 in favour of you for information.

Sd/- Illegible

18.11.95

(Dr.V.K.Singh)  
Assistant Director (Ay.)

Copy to :-

The Asstt. Res. Officer(Ay.), THCRP, Zero. He is also requested to handover the photostate copy of said memo to Shri D.Singh, Driver which is enclosed herewith.

*2/11/95*

/  
(Dr.V.K.Singh)  
Assistant Director (Ay.)

23

Annexure G.

24/11/95

- 19 -

CENTRAL COUNCIL FOR RESEARCH IN  
AYURVEDA AND SIDDHA

J.L.N.B.C.H.A.B., NO. 61-65, Institutional Area  
Opp. D'Block, Janakpuri, New Delhi- 58.

F.No.40-5/85-CCRAS/Estt.

Dated. 01 Nov. 1995

MEMO

Sub: Transfer of Sh. D.Singh, Driver, Regional Research  
Centre (Ay.) from Itanagar to Zero.

....

With reference to his representation dated 25.9.95  
on the above subject Sh.D.Singh, Driver, RRC(Ay.), Itanagar  
is informed that his request for retention at Itanagar as  
well as for transfer to RRI (Ay.), Patna have been considered  
and it is regretted that the same cannot be acceded to.

Sd/- Illegible

(A. L. VACHHER)  
Deputy Director (Admn.)  
for Director.

To,

Sh. D. Singh,  
Driver, RRC(Ay.),  
Itanagar (Arunachal Pradesh)

7/11/95