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X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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E.P/M.A No.

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SECTION OFFICER (Judl.)

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI.

ORIGINAL APPLN.NO.

1 OF 1996

TRANSFER APPLN. NO.

CF 1995

CONT EMPT APPEN. NO.

OF 1995 (IN

REVIEW APPLN. NO.

OF 1995. (IN

MISC. PETITION NO.

OF 1995 (IN.

Subash Chandhary APPLICANT(S)

-VS-

^{-VS-}
W. O. L. L. O. M. RESPONDENT (S)

For the Applicant(s)

... Mr. B.K. Sharma

Mr. B. Mehta

Mr. S. Sarma

Mc.

For the Respondent(s)

Mr. S. Ali, Jr. Case

OFFICE NOTE

DAT E

ORDER

3-1-96

Heard Mr. B.K. Sharma. Prima facie Annexures 1 to 7 indicate that the applicant was assigned to as PSD Guwahati later on absorbed in Assam Circle in the regular way ^{and} is not on deputation. The impugned order as proceeds on the assumption of deputation therefore appears to be inconsistent with that position. Case for consideration disclosed.

O.A. is admitted. Issue notice to the respondents. 8 weeks for written statement. Issue notice to the respondent to show cause as to why interim relief as prayed may not be granted during the pendency of the O.A. Returnable on 23rd January 1996. Meanwhile Ad-interim stay of the operation of the impugned order dated 19-12-95 till 23-1-96. Liberty to apply for extension. Liberty to respondents to move for variation of this order subject ^{to} prior notice of being given to the applicant's advocate.

O.A. to be listed for interim relief on 23-1-96. O.A. to be listed for orders on 12-3-96. *h. all*

Vice-Chairman

100

(contd.to Page No.2)

OA/TA/CP/RA/MP No. of 19 O.A. 1/96

OFFICE NOTE

DATE

ORDER

23-1-96

Mr. S. Ali, CGSC for the respondents.
Mr. B.K. Sharma for the applicant.

No show cause reply has been filed as regards interim relief. In pursuance of the notice issued on 3-1-96. Consequently the ad-interim order of stay of the impugned order dated 19-12-95 is continued until further orders, with liberty to the respondents to apply as mentioned in the order dated 3-1-96.

Vice-Chairman

lm

12.3.96

Learned Sr.C.G.S.C Mr S. Ali is pres for the respondents. Written objection has been submitted by respondents on 12. 1996. Copy thereof served on the applic today.

List on 20.3.96 for consideration of the objection and further orders on the ad-interim relief.

Member

pg

20.3.96

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

Written objection has been received by the opposite party. Mr Sarma wants time to file rejoinder.

List on 3.4.96 for consideration of interim relief and further order.

Member

pg

9.4.96

Rejoinder to the written objection filed by the respondents.

12/4

Order d. 23-1-96

to all concerned vide no. 269-73 d. 30.1.96.

29/1/96

Notice send on R. no. 1, 2, 3 & 4.

29/1

12.2.96

Written objection against interim relief sought for by the applicant. At page 29-40.


12/4

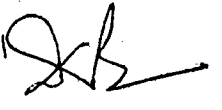
Rejoinder has not been filed

2/4


5.6.97

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.


Member


Vice-Chairman

nkmm


2/7/97

28.2.97

Copy of the Judgment -
has been issued to
the parties vide Nos.
2391 to 2396 on
15.7.97.



O.A. 1/96

20.8.96

Mr S.Sarma for the app
List for hearing on 17.

Member

pg

m/
20/8

17.9.96

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

List for hearing on 14.10.96.

Member

nkm

m/
18/9

14.10.96

Mr. B.K.Sharma for the applicant.

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

List for hearing on 2.12.1996.

Member

nkm

m/
15/10

11.4.97

Let the case be listed on 28.5.97 for
further orders.

Member

Vice-Chairman

trd

m/
13/4

29.5.97

Heard in part. List for further hearing
on 5.6.97.

Member

Vice-Chairman

pg

30/5

Informer to The
Council for the
respondents.

m/
20/8/96.

w/ stated & rejoinder
has been A.W.

all
16/9.

w/ stated & rejoinder
has been filed.

all
11/10

28.5.97.

The case is ready
for hearing.

all
28/5

w/s and rejoinder has
been filed.

all
11/6


4


O.A.No.1/96

30.5.96

Leave note of Mr B.K. Sharma, learned counsel for the applicant. Mr S. Sarma prays for adjournment. Mr S. Ali, learned Sr. C.G.S.C., is present for the respondents.

List for hearing tomorrow, 31.5.96.


Member(A)



Member(J)


nkm

31.5.96

Mr B.K. Sharma, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C., for the respondents, are present. Written statement has not been submitted. Mr Ali seeks time for filing written statement and requests for adjournment of the hearing.

List for hearing on 22.7.96. In the meantime the respondents may submit written statement with copy to the counsel for the applicant.


Member(A)


Member(J)

nkm


22-7-96

5-6.96
Wp submitted by
Mr. S Ali Sr. CG SC on
behalf of Resps.

lm



Sr.C.G.S.C. Mr.S.Ali is present. Written statement has been submitted. Copy of the same may be served on the opposite parties. List for on 20-8-96 for hearing.


Member

7
O.A. 1/96

3.4.96

Leave note of Mr B.K.Sharma.
Learned Sr.C.G.S.C Mr S.Ali is
present.

Adjourned to 9.4.96 for
consideration of interim relief and
further orders.

ba
Member

pg

9.4.96

Mr P.K.Tiwari for the applicant. Mr
S.Ali, Sr.C.G.S.C for the respondents.

Rejoinder has been served on Mr Ali to
-day only.

By consent adjourned to 12.4.96.

ba
Member

pg

12.4.96

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

Mr Ali submits that the case may
be taken up for hearing, ^{on the} written state-
ment objection filed in this case may
be treated as written statement.

List for hearing on 18.5.96 before
Division Bench.

ba
Member

pg

1) Notices served on
Recpts no. 1-4
2) D/statment & Rejoinder
has been filed

5/5
28/5

8

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

O.A. NO. 1 of 1996
T.A. NO.

DATE OF DECISION 5.6.1997

Shri Subash Choudhury

(PETITIONER(S))

Mr B.K. Sharma, Mr B. Mehta & Mr S. Sarma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

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

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? *yes*
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 ?

Judgment delivered by Hon'ble Vice-Chairman



9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.1 of 1996

Date of decision: This the 5th day of June 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Subash Choudhury,
Working as Manager,
Postal Store Depot,
Guwahati.

.....Applicant

By Advocate Mr B.K. Sharma, Mr B. Mehta and Mr S. Sarma.

-versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
Department of Posts, New Delhi.
2. The Director General, Posts,
New Delhi.
3. The Chief Postmaster General
Assam Circle, Guwahati.
4. The Chief Postmaster General,
North Eastern Circle,
Shillong.
5. The Superintendent,
Postal Store Depot,
Guwahati.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

The applicant, in this application, has challenged the Annexure-8 order dated 19.12.1995 and also prays for direction to the respondents not to repatriate him to the N.E. Circle from Postal Store Depot (for short PSD), Guwahati under Assam Circle.

2. Facts for the purpose of disposal of this application are:

The applicant was appointed Postal Assistant in the year 1961 in the N.E. Circle. He was posted at Shillong. In the

R

year 1962 a new division was created in the N.E. Circle itself known as Shillong Division by bifurcating the composite lower Assam Division. After the bifurcation the lower Assam Division was renamed as Kamrup Division. As the applicant belonged to the lower Assam Division he was sent to Kamrup Division and he was posted at Guwahati (Guwahati University Post Office) on 16.8.1964. In 1973 the applicant passed the Accountancy Examination conducted by the Department. He was thereafter promoted to the post of Accountant and posted at Barpeta in the year 1975. Barpeta fell under Kamrup Division. Thereafter in 1976 he was transferred to Postal Store Depot, Guwahati in the capacity of Accountant. In 1981 he was transferred to Tinsukia and again in 1987 he was transferred to Tura on promotion as Assistant Postmaster, Accounts, under N.E. Circle.

3. In 1988 the N.E. Circle was divided into two Circles which became known as Assam Circle and N.E. Circle. The Assam Circle had been carved out from the erstwhile N.E. Circle. At the time of creation of the two new circles out of the N.E. Circle the authorities invited options and according to the applicant he did exercise his option for Assam Circle vide Annexure-I. The applicant was allowed to function as a Manager in the PSD on the basis of a selection made. By Annexure-8 order dated 19.12.1995 issued by the Assistant Postmaster General on behalf of the Chief Postmaster General, Assam Circle, the applicant was repatriated to N.E. Circle. Being aggrieved the applicant submitted Annexure-9 representation dated 26.12.1995. The representation was not disposed of. As there was no disposal of the representation the applicant was compelled to approach this Tribunal. The application was admitted by this Tribunal on 3.1.1996 and an interim order was passed on that day suspending the order of repatriation and on the basis of the interim order the applicant

is.....

82

is still serving as Manager, PSD, Guwahati.

4. In due course the respondents had entered appearance and filed written statement. In the written statement the respondents have resisted the claim of the applicant on the ground that when the option was offered to the employees for absorption in the different circles created out of the N.E. Circle the applicant did not exercise his option. It has been specifically mentioned in paragraph 5 of the written statement as follows:

"..... But the applicant did not exercise any option at the time of bifurcation and no option paper is traceable in respect of Shri Subash Choudhury which was intimated by APMG (Staff), N.E. Circle vide Memo No.Staff/125-1/PSD/93 dated 25.1.96. As no option was exercised by the applicant, he was transferred from APM (Accounts) Tura as APM (Accounts) Shillong. Had he exercised any option for Assam Circle he would have been transferred to Assam Circle instead posting as APM (Accounts) Shillong. Therefore the contention of the applicant made in the application is denied."

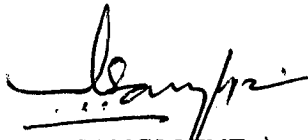
From the averments made in para 5 of the written statement of the respondents it appears that as the applicant failed to exercise option he was not allowed to remain in Assam Circle. This also indicates that had the applicant exercised his option he would have been allowed to remain in Assam Circle. A rejoinder to the written statement was filed by the applicant. Option was exercised by the applicant on 6.6.1988 which is annexed as Annexure-I to the rejoinder and this was forwarded by Annexure-J letter dated 6.6.1988 by the Postmaster, Tura to the Senior Superintendent, Postoffices, Meghalaya Division. From these two letters it is very clear that the applicant did exercise his option and the authorities' refusal to allow the applicant to remain in Assam Circle is contrary to their assurance. The Annexures I and J have not been disputed by Mr Ali.

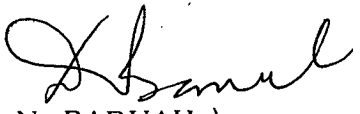
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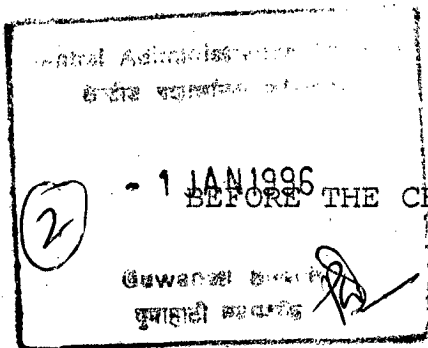
5. On perusal of the papers and on hearing the counsel for the parties we are of the opinion that if the option was actually exercised as per Annexure-I then there was no reason for the respondents to deprive the applicant of his right to remain in the Division of his choice because this was the professed norm of the department.

6. In view of the above we dispose of this application with a direction to the respondents to consider the option of the applicant in the manner stated in the written statement as quoted above to proceed the case and passed reasoned order. This must be done as early as possible, at any rate, within a period of three months from today. Till then status quo still remains. For convenience of the respondents the applicant may file a fresh representation stating all the facts within a period of two weeks and then the respondents shall consider the representation in the light of the averments made in the written statement and dispose of the same as early as possible, at any rate, within a period of three months.

7. The application is accordingly disposed of. However, in the facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN



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

Title of the Case : O.A. No. 1 of 1996
Sri Subash Choudhury : Applicant
-versus-
Union of India & Others : Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing :
Registration No. :

REGISTRAR

Received
S. C. G. S. C.
1/1/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 1 /96

BETWEEN

Subash Choudhury
at present working as Manager,
Postal Store Depot, Guwahati

..... Applicant

-AND-

1. Union of India,
represented by the Secretary to
the Govt. of India,
Ministry of Communication,
Deptt. of Posts,
New Delhi.
2. The Director General, Posts,
New Delhi.
3. The Chief Postmaster General,
Assam Circle,
Guwahati
4. The Chief Postmaster General,
North Eastern Circle,
Shillong.
5. The Superintendent,
Postal Store Depot,
Guwahati

..... Respondents

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Filed by Mr
Subash Choudhury
1/1/96

DETAILS OF APPLICATION

1. Particulars of the order against which the Application is made.

The instant application is directed against Order No. Staff/37/1/94 Pt.-I dated 19.12.95 issued from the office of the C.P.M.G., Assam Circle, conveying approval of the CPMG, Assam Circle for repatriation of the applicant from Assam Circle to N.E. Circle, with the direction that the applicant will seek his posting order from his parent unit under N.E. Circle. The applicant is yet to be served formally with the copy of the said order dt.19.12.95 and the same had not been endorsed to him.

2. Jurisdiction of the Tribunal

That the applicant declares that the subject matter of the applicant for which ~~they~~ he wants redressal is well within the jurisdiction of this Hon'ble Tribunal.

3. The applicant further declares that the application is 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 permanent resident of Assam and as such he is entitled to all the rights and privileges and protection guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the applicant entered into the services of the Postal Department as Postal Assistant in the year 1961 in the then composite N.E. Circle and was posted at Shillong.

4.3 That in the year 1962 Shillong Division was created bifurcating from composite Lower Assam Division. After bifurcation Lower Assam Division was renamed as Kamrup Division. Since the applicant belong to Lower Assam Division, he was repatriated to Kamrup Division and was posted at Guwahati (Guwahati University Post Office) on 16.8.1964. After such posting the applicant served in many parts of the State on transfer.

4.4 That in the year 1973 the applicant passed Accountancy Examination conducted by the Department consequent upon which he was promoted and posted as Accountant at Barpeta in the year 1975 under Kamrup Division. Thereafter he was transferred to Postal Store Depot (in short P.S.D.) Guwahati as Accountant in the year 1976. In 1981 he was transferred to Tinsukia from where he was transferred to Tura in 1987 on promotion as Assistant Postmaster, Accounts under N.E. Circle.

4.5 That in the year 1988 composite N.E. Circle, was bifurcated to Assam Circle and N.E. Circle. The applicant exercised his option for Assam Circle and the said option is still valid. However the option was not accepted immediately although the applicant belongs to Assam Circle. In July 1993 the applicant was transferred as APM (Accounts) to Shillong General Post Office.

4.6 That after the aforesaid of the applicant at Shillong G.P.O. he was selected as Manager P.S.D., Guwahati and he joined the post as per the orders passed to that

effect.

Copies of the orders dt. 12.11.93, 23.11.93, 1.12.93, and 7.12.93 are annexed as Annexure 1, 2, 3, and 4 respectively.

4.7 That from the orders passed in connection with the posting of the applicant as Manager PSD, Guwahati do not indicate in any manner that his such posting is on deputation from NE Circle to Assam Circle. Be it stated here that PSD Guwahati although situated at Guwahati was under the NE Circle prior to 1.6.94 with effect from which date the PSD Guwahati has been bifurcated from NE Circle and has been merged with Assam Circle with all its assets and posts including the post presently being held by the applicant. Both the offices of CPMG, N.E. Circle and Assam Circle have issued their respective orders contained in Memo No. Estt./34-37/81 dt. 12.5.94 and Estt./24-2/87(44) dt. 24.5.94 respectively in respect of bifurcation of PSD Guwahati from NE Circle to Assam Circle. In the said orders it is clearly mentioned that there will be no change~~d~~ in the present attachment of the units.

Copies of the aforesaid orders dated 12.5.94, 24.5.94 are annexed as Annexures 4A and 4B Respectively.

4.8 That the fact of bifurcation of the PSD Guwahati from NE Circle and merger of the same with the Assam Circle is further fortified from letter No. Est/34-37/81 dt. 1.7.94 issued from the office of the NE Circle to the office of the Assam Circle. In the said letter it was clearly mentioned

4.3 That in the year 1962 Shillong Division was created bifurcating from composite Lower Assam Division. After bifurcation Lower Assam Division was renamed as Kamrup Division. Since the applicant belong to Lower Assam Division, he was repatriated to Kamrup Division and was posted at Guwahati (Guwahati University Post Office) on 16.8.1964. After such posting the applicant served in many parts of the State on transfer.

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Copies of the aforesaid orders dated 12.5.94, 24.5.94 are annexed as Annexures 4A and 4B respectively.

4.8 That the fact of bifurcation of the PSD Guwahati from NE Circle and merger of the same with the Assam Circle is further fortified from letter No. Est/34-37/81 dt. 1.7.94 issued from the office of the NE Circle to the office of the Assam Circle. In the said letter it was clearly mentioned

that the post in all cadres attached to PSD Guwahati in both permanent and temporary status furnished in the enclosed annexure I & II are transferred to Assam Circle with effect from 1.6.94. By the said letter the Superintendent PSD, Guwahati was requested to take necessary action as per the content of the letter while endorsing the copy of the same.

A copy of the letter dt. 1.7.94 together with Annexure I & II enclosures is annexed ^{as} ~~and~~ Annexure-5.

4.9 That the applicant states that in Annexure I to the Annexure 5 letter dt. 1.7.94 the post of Manager presently being held by him is included at serial No. 3. Be it stated here that the post of Manager PSD is in the grade of Higher Selection Grade II (in short HSG.II). The applicant is qualified HSG.II which is also evident from Annexure I letter dated 12.11.92. . . .

4.10 That the applicant states that when some of the officials who were transferred from NE Circle to PSD Guwahati like that of the applicant claimed for deputation allowance, same was turned down both by the CPMG NE Circle, and CPMG, Assam Circle, holding that such deputation allowance is not admissible as the posting is on tenure basis in a routine manner and not outside the field of deployment.

Copies of the letters dt. 19.11.93 and 29.11.93 are annexures as Annexure 6 and 7 respectively, in the above context.

4.11 That the applicant was surprised to come across a letter No. Staff/37/1/94 Pt.-I dt. 19.12.95 by which approval of the CPMG Assam, Circle has been conveyed for repatriation of the applicant from Assam Circle to NE Circle, Shillong, stating him to be on deputation from NE Circle. The applicant has not been conveyed / endorsed with the copy of the said order. While endorsing a copy of the said order to the Superintendent PSD, Guwahati, a letter No. SD/B-207 dt. 27.11.95 purported issued by him has been referred to. The applicant has not been served with the copy of the said letter dt. 27.11.95 also. In the said letter it has been indicated that on release the applicant will have to seek his posting order from his so-called parent unit under NE Circle. Thus in view of the said order dt. 19.12.95 endorsing the same to various authorities the applicant is apprehending his release from PSD Guwahati at any moment. However, till date he has not been released from his post. It is under these circumstances the applicant has approached this Hon'ble Tribunal for appropriate relief. It appears that everything has been done in a hush-hush manner keeping the applicant in complete dark.

A copy of the said letter dt. 19.12.95 is annexed as Annexure 8.

4.12 That the applicant states that a copy of the impugned order dated 19.12.95 has been endorsed to the CPMG, NE Circle, and while doing so the Annexure 1 letter dated 22.11.93 (wrongly referred as 22.11.93) has been referred to by which the applicant was posted as PSD Guwahati which indicates that there is no fresh reference from the NE Circle.

4.13 That the applicant states that when he had come to know about the contemplation of his transfer to NE Circle but without knowing anything about the issuance of the impugned orders dt. 19.12.95 made a representation to the CPMG, NE Circle, Shillong on 26.12.95 making a grievance against the proposed action. In the said representation he has highlighted as to how the PSD Guwahati has been bifurcated from NE Circle to Assam Circle with effect from 1.6.94 and that he belongs to Assam Circle.

A copy of the said representation dt. 26.12.95 is annexed as Annexure-9. A copy of the same has been endorsed to the CPMG, Assam Circle for information and necessary action.

4.14 That the applicant states that prima facie the impugned order is not sustainable inasmuch as same has been issued treating the applicant to be on deputation to Assam Circle contrary to the factual position. Had the applicant been on deputation to Assam Circle, elaborate procedure of sending personnel on deputation would have been followed, option of the applicant would have been asked and at the top of it he would have been paid deputation allowance. The applicant has not been paid any deputation allowance. On the face of it his posting was on normal tenure basis which is for a period of 4 years. Even otherwise also on the basis of such tenure posting, the applicant would have continued for 4 years i.e. upto 1997, had he not been absorbed in the Assam Circle pursuant to the bifurcation of the PSD Guwahati from NE Circle to Assam Circle.

4.15 That the applicant states that it is amply evidence from the impugned order itself that the N.E. Circle has not written anything in the matter of repatriation of the applicant. This is the reason why the impugned order refers to only Annexure 1 letter dated 12.11.93. The said letter dt. 12.11.93 also does not even whisper that the applicant was sent on deputation. The bifurcation which took place with effect from 1.6.94 clearly indicates that such bifurcation is with the assets and liabilities including the post under PSD Guwahati. The applicant was transferred in 1993 to PSD Guwahati against a clear vacancy and there is no question of treating to be on deputation and thereby to deprive him of the benefit of bifurcation. Even otherwise also the respondents are bound to consider his option for his posting under NE Circle which he had exercised ~~in way back~~ way back in 1988. The applicant apprehends that the impugned order has been issued pursuant to the letter No. SD/P/207 dt. 27.11.95 issued by the Supdt. PSD, G-uwahati, a reference of which has been made in the impugned order itself. However, as stated above the applicant has not been endoresed a copy of the said letter nor with the copy of the impugned order. Thus the entire action on the part of the respondents is arbitrary and illegal.

4.16 That the applicant states that from the aforesaid position it is clear that ~~that~~ he has been singled out for differential treatment as per the views of the respondents and thus the action of the respondents is violative of Ariticle 14 and 16 of the Constitution of India and judicial interference is called for in the instant case.

5. Grounds for Relief with legal provision :

- 5.1 For that prima facie the impugned order is not sustainable same being violative of the principles of equality and shrouded in the Constitution of India and also being violative of principles of natural justice.
- 5.2 For that the applicant being not on deputation to Assam Circle, cannot be repatriated to NE Circle in the manner as has been sought to be done by the respondents.
- 5.3 For that the applicant having been absorbed in the Assam Circle after the bifurcation of PSD Guwahati from NE Circle, there cannot arise any question of his repatriation to NE Circle.
- 5.4 For that even otherwise also the applicant being on normal routine transfer on tenure basis, he could not have been repatriated to NE Circle and that too without asking for his option.
- 5.5 For that there being no lending and borrowing authority as is required in case of any deputation and there being no requisition from the NE Circle the respondents have acted mala fide in issuing the impugned order.
- 5.6 For that the impugned order being on dictation without any application of independent mind, same is not sustainable and liable to be set aside and quashed.
- 5.7 For that the whole design of the respondents to keep the applicant in dark about the impugned order and also about the letter dt. 27.11.95 and then to pave the way to release him so that he cannot have any effective legal remedy is illegal and the impugned order based on such illegalities is not sustainable.

6. Details of Remedies Exhausted :

That the applicant states that he has no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. Matters not previously filed or pending before any other Court.

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them. The applicant further begs to state that time to time in every year, he has been making representations to the authority concerned but till date no fruitful purpose have been served.

8. Reliefs Sought :

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application, be admitted, records be called for and on perusal of the same and upon hearing the parties on the casue/causes that may be shown, be pleased to grant the following reliefs :

1. To set aside and quash the order dated 19.12.95 (Annexure-8) with further direction not to repatriate the applicant to NE Circle, Shillong from PSD, Guwahati under Assam Circle.

2. To issue a direction/declaration to the effect that the applicant belongs to Assam Circle consequent upon bifurcation of PSD Guwahati from NE Circle to Assam Circle with effect from 1.6.94.
3. Cost of the application.
4. Any other relief/reliefs to which the applicant is entitled to and as may be deemed fit and proper under the facts and circumstances of the case.

9. Interim Order prayed for :

Under the facts and circumstance of the case as stated above the applicant prays for an interim relief by way of stay of the impugned order dated 19.12.95 (Annexure-8) with further direction not to repatriate the applicant as contemplated in the said impugned order from Assam Circle (PSD Guwahati) to NE Circle during the pendency of the case.

10. The application is filed through advocate.

11. Particulars of the I.P.O.

I.P.O. No.	: DP 514774
Date	: 22.9.95
Payable at	: Guwahati

12. List of enclosures :

As stated in the index.

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

I, Sri Subhas Choudhury, Son of late J.Choudhury, aged about 54 years at present working as Manager, PSD, Guwahati, Assam Circle 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.

A-and I signed this verification on this the 31st day of December, 1995 at Guwahati.

Subhas Choudhury
Signature

26

ANNEXURE-1

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG

Memo No. Staff/12541/PSD/93 Dated Shillong the 12.11.93

The following officials are transferred and posted to the Postal Stores Depots, Guwahati and Silchar as indicated below

Name and designation Name of post

P.S.D. Guwahati

1. Shri Subash Choudhury, HSG II, Acctt., Shillong GPO. Manager
2. Mrs. Jaya Banik, P.A. SBCO Circle, Office, Shillong. P.A.
3. Shri Suren Ch. Das. P.A. Arunachal Pradesh Division P.A.

P.S.D. Silchar

1. Shri Rajmoni Roy, P.A. Nagaland Division. P.A.

2. They shall be relieved only on receipt of order of posting from the Supdts., concerned.

3. The postings are made in the interest of service as normal spheres of transfer and posting.

Sd/- Illegible
Asstt. Postmaster General.

Copy to :

1. The Supdt. P.S.D., Guwahati and Silchar. The officials shall be adjusted against the existing vacancies or vacancies to be created by the posting of the P.A.s to Guwahati division or Cachar division who has already been approved for transfer under Rule-38.
2. The Director of Postal Services, Nagaland, Kohima with reference to his letter No. B-363 dated 27.3.93. He may kindly relieve the official as soon as order of transfer of either Shri Lakshmi Kanta Das or Smti Dipti Kona Das to Cachar division is issued by the Sr. Supdt. of P.O.s Silchar.
3. The Sr. Supdt. of P.O.s Silchar, He may kindly post either Shri L.K. Das or Smti Dipti Kona Das to his division under Rule-38. Posting or substitute in respect of the one being left out now is being made soon since both of them have completed tenure in the P.S.D. which is a sensitive posting.
4. The Director of Postal Services, Itanagar.
5. The Sr. Supdt. of P.O.s Guwahati.
6. The Postmasters, Kohima and Itanagar.
7. The Sr. Postmaster, Shillong GPO.
8. The Asstt. Director (A/Cs) C.O., Shillong.

Attn: Mr. [illegible]

Annexure-1 (contd.)

9. The A.A.O. (Bgt) C.O. Shillong.
10. ~~The~~ Officials concerned.
11. P/B of the officials
12. The Sr. Supdt. of PMOs, Shillong.

Sd/- Illegible
For Chief Postmaster General, N.E. Circle,
Shillong.

*Attended
for Review*

ANNEXURE 2

132
28

DEPARTMENT OF POST

OFFICE OF THE SUPDT. POSTAL STORES DEPOT : GUWAHATI-781 003.

Memo No. SD/BA-11/Ch-III, dt. at Guwahati the 23rd. Nov. 1993.

In pursuance of chief Postmaster General N. E. Circle Shillong memo no Staff/125-1/PSD/93 dt. 12.11.93, the following officeals will join this office against the post mentioned against each.

1. Shri Subash Choudhury HSG-II Accountant Shillong GPO will join as Manager, P.S.D. Guwahati reliving Shri Haijan Ali officiating Manager who will on relief join as Accountant MMS Guwahati vide CO. Shillong memo no staff/125-1/PSD/89 dated 16.7.93 and CO Guwahati memo no. Staff/3-14/92 dated 10.2.93.

2. Shri Suren Chandra Das, PA Arunachal Division will join as Postal Asst. at PSD Guwahati reliving Shri Madhab Chandra Das, Postal Asst. (Guwahati Dvn.) who is to join as IRPA GPO Guwahati vide Sr. Supdt. of PO's Guwahati memo no. B/A-41/Ch.-III-84/c dated 15.6.93.

3. Mrs. Joya Banik, Postal Asst, SBOO Circle office Shillong will join as Postal Asst. at P.S.D. Guwahati against vacant Post.

(B. B. Choudhury)

Supdt. Postal Stores Depot
Guwahati-781 003.

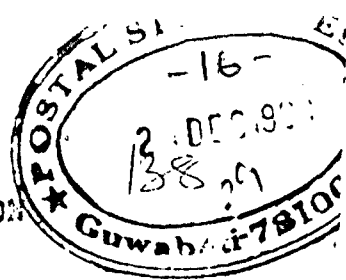
Copy to:-

1. The Chief Postmaster General N. E. Circle Shillong
2. The Chief Postmaster General Assam Circle Guwahati
3. The D.P.S. Itanagar.
- 4-5. The Sr. Supdt. of Po's Shillong/Guwahati.
- 6-7. The Sr. Postmaster Guwahati/Shillong.
8. The Postmaster Itanagar.
- 9-11. The official concerned.
12. The Accounts Branch P.S.D. Guwahati-3.
- 13-17. P/F of the official concerned.
18. Spare.

Supdt. Postal Stores Depot.
Guwahati-781 003.

amsted
R. J. Adv.
1/1/96

ANNEXURE-3



DEPARTMENT OF POSTS
O/O THE SR. SUPDT OF POST OFFICES, MEGHALAYA DIVISION
SHILLONG - 793001.

Memo. No. B1/Depn/CO/Ln.

Dtd at Shillong-1. The 1-12-93.

In pursuance of the Chief P.M.C. N.E. Circle, Shillong
Memo No. Staff/125-1/PSD/93, dtd 12.11.93. Shri Subhash Choudhury,
AFM A/Cs, Shillong G.P.O. is transferred and posted as Manager
P.S.D. Guwahati.

Smt. Swapna Dutta, Acctt. Shillong G.P.O. is posted as
AFM, A/Cs. Shillong G.P.O. untill further order.

*Staff
for
21/12*

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong - 793001.

Copy to :-

- 1 - The Sr. Postmaster, Shillong G.P.O. for information and necessary action.
- 2 - The Chief P.M.C. N.E. Circle, Shillong. w.r.t Staff/125-1/PSD/93.
- 3 - 4. The officials concerned.
- 5 - 6. P/Ps.
- 7 - The Supdt. P.S.D. Guwahati.
- 8 - 9. Spare.

amended

*Sd/-
A. Choudhury
11/1/96*

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong - 793001.

DEPARTMENT OF POSTS:INDIA.

ANNEXURE-4 -17-

30

OFFICE OF THE SR. POSTMASTER: SHILLONG - GPO.

MEMO. NO-B2/Transfer-Deputation Dated at Shillong, the 7th Dec. 1993.

In pursuance of Sr. Spec Memo No. B1/Deputn/Co/Dn dtd 1-12-93. Shri Subhas Choudhury (AFM-A/C's), Shillong GPO has been transferred as the Manager PSD Guwahati; and already relieved from this Office on 3rd Dec. 1993 (a/f).

Smti Swapna Dutta, Acctt. Shillong GPO is Posted as AFM A/C's, Shillong GPO with effect from 3rd Dec. '93 (a/f) till further order.

Sr. Postmaster.
Shillong GPO.

Copy to :-

1. The Postmaster (G); Guwahati GPO., for information & necessary action.
2. The Sr. Supd of Pos/Shillong -GPO. with ref to his Memo No. B1/Dptn/Co/Dn dtd 1.12.'93.
3. The AFM A/C's, Shillong GPO. for information.
4. Shri S.C. Choudhury (the then AFM A/c's; Shillong GPO). Manager of PSD, Guwahati-3.
5. Smti Swapna Dutta for necessary action.
6. O/C.

Sr. Postmaster.
Shillong GPO.

Amish
R. L. Choudhury
Advocate
11/1/96



ANNEX

3 4

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E.CIRCLE SHILLONG

Memorandum No. Est/34-37/81

Dated Shillong the 12/5/94.

1.6.94
In pursuance to the approval accorded vide Directorate's No. 33-16/92-PE.II dtd.25.3.94 the undersigned is directed to convey approval of the Chief Postmaster General N.E.Circle, Shillong to the transfer of the Postal Stores Depot, Guwahati from the administrative control of the Chief Postmaster General, N.E.Circle, Shillong to the administrative control of the Chief Postmaster General Guwahati Assam Circle, Shillong with effect from 1.6.94 without any change in the present attachment of the units. The PSD, Guwahati and the PSD, Silchar will continue supply of forms to the units in both Assam and N.E.Circles as is being done hitherto.

(Darhlira)
Asstt. Director (Estt)

Copy to :-

- 1) The Chief Postmaster General, Assam Circle, Guwahati for kind information and necessary action.
- 2) The Director General (Estt) Department of Posts, New Delhi-110 001.
- 3) All heads of Divisions in N.E. and Assam Circle.
- 4) ✓ The Superintendents of Postal Stores Depot, Guwahati/Silchar.
- 5) The Director of Accounts (Postal) Calcutta-700 012.
- 6) The Supdt, N.E.Stamp Depot Guwahati.
- 7) All head Postmasters in N.E.Circle.

For Chief Postmaster General
N.E.Circle, Shillong.

attested

R. S. Choudhary
Advocate
1/1/96



DEPARTMENT OF POSTS: INDIA:
THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
MEGHDOOT BHAWAN: GUWAHATI-1.

ANNEXURE 4B

-19-

2/3

Memo No. EST/24-2/87(44)

Dtd. at Guwahati the 24-05-94.

In pursuance of the approval accorded vide Directorate's No. 33-16/92-PE.II dtd. 25-3-94 the undersigned is directed to convey the approval of the Chief Postmaster-General, Assam Circle, Guwahati for transfer of the Postal-Stores Depot, Guwahati from the administrative control of the Chief Postmaster General, N.E. Circle, Shillong to the administrative control of the Chief Postmaster General, Assam Circle, Guwahati with effect from 01-06-94 without any change in the present attachment of the units. The PSD/Guwahati and the PSD/Silchar will continue supply of forms to the units in both Assam and N.E. Circles as is being done hitherto.

This is in concurrence with the Chief Postmaster General, N.E. Circle, Shillong memo No. Est/24-17/81 dtd. 12-5-94.

6/5/94

(J.K. Barbhuiya)

A.P.M.G. (Estt),

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

Copy to:-

- 1) The Chief Postmaster General, N.E. Circle, Shillong. He is requested to kindly cause transfer of the Esstt. file of PSD/Guwahati alongwith particulars of existing staff (categorywise) on deputation to PSD/Guwahati to this office early.
- 2) The Director General (PE-II), Department of Posts, Dak-Bhawan, New-Delhi- 110001.
- 3) All Heads of Divns. in Assam and N.E. Circles.
- 4) All R.D.P.S. in N.E. Circle.
- 5) The Supdt., Postal Stores Depot, Guwahati/Silchar.
- 6) The Director of Accounts (Postal), Calcutta-700012.
- 7) The Supdt. N.E.S.D., Guwahati.
- 8) All Head Postmasters in Assam and N.E. Circles.

amended

11/1/96

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

7-5-94

S. SHYAM
A.D.P.S.(E)

ANNEXURE-533

Shillong

EST/34-37/81

1-07-1994

Dear Madam,

This is regarding transfer of establishment of Postal Stores Depot, Guwahati from the administrative control of Chief Postmaster General, Shillong to the Chief Postmaster General, Guwahati having reference to your D.O. letter no. Est/24-2/87 dt 2.6.94 addressed to Shri A.N.D. Kachari, DPS, Shillong.

The particulars of posts in all cadres attached to PSD Guwahati in both permanent and temporary status furnished in the enclosed annexure I & II are hereby transferred to Assam Circle with effect from 1-6-94. The relative establishment file will be transferred separately.

The particulars of posts are furnished on basis of available records which may kindly be confirmed by the Supdt. P.S.D. Guwahati who is the DDO for the unit. A copy of this letter is also endorsed to him for confirmation.

With best regards,

Encls:- (2)

Yours sincerely,

Sf
(S. SHYAM)

M^{rs} M. Jawphniew,
DPS, Assam Circle,
the Chief Postmaster General,
Guwahati- 781 001.

Copy to: ☒

1) Sri B.B. Choudhury, Supdt PSD, Guwahati for favour of information and necessary action as discussed above.

2) The Asstt. Postmaster General (S) Circle office, Shillong. He is requested to transfer the staff of PSD, Guwahati to Circle office, Guwahati w.r.t. the above D.O.

3) O/C

Encls (2).

A.N.D. KACHARI
(A.N.D. KACHARI)
Director of Postal Services (HQ)
N.E. Circle, Shillong-793001

gmsd
B. Kachari
Advocate
11/1/96

Particulars of permanent posts attached to PSD, Guwahati
transferred to Assam Circle.

S1 No.	Particulars of posts.	No. of posts	Date of permcy	Sanction particulars of permanent issued by Dte/CO, Shillong.
1.	Supdt (SSS Gr 'B')	1 ✓	1-3-66 ✓	Dte No. 32-7/66-PE dt 20.6.66
2.	IPOs (Uniform)	1 ✓	1-3-73 ✓	CO Shg No. Est/AR-284 dt 16.3.74
3.	Manager (HSG. II)	1 ✓	1-3-65 ✓	CO Shg No. Est A/R-284 dt 18.9.65
4.	Asstt. Manager (LSG)	1 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt III dtd 23.8.62
5.	Accountant x	1 ✓	1.3.70 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 16.7.68
6.	T/S PA x	11 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 23.8.62
7.	T/S PA	(2) ✓	1-3-85 ✓	CO SH No. Est /10-17/76/Pt. I dtd 25.2.86
8.	Carpenter	1 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt. IV dtd 23.8.62
9.	Duftry	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/Pt. IV/2 dtd 23.8.62
10.	Orderly Peon	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
11.	Office Peon	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
12.	Class IV	(10) ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
13.	L/R TS PA x	1 ✓	1-3-68 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 16.7.68
14.	L/R Class IV	1 ✓	1-3-73 ✓	CO SH No. Est A/SD/IV/2 dt 8.5.78
15.	Farash (NT)	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
16.	Chowkidar	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
17.	Chowkidar	1 ✓	1-3-68 ✓	CO SH No. Est A/SD/IV/2 dt 16.7.78
18.	Safaiwala	1 ✓	1-3-73 ✓	CO SH No. Est A/SD/IV/2 dt 8.5.75
19.	Jamadar 20 % LSG (Test)	2 ✓	1-3-85 ✓	CO SH No. Est /10-17/76 Pt. I dtd 25.2.86
20.	Jamadar 20 % LSG (N. Test)	2 ✓	1-3-85 ✓	CO SH No. Est /10-17/76/Pt. I dtd 25.2.86

- Nalini S. S. S.
Sahibzade K. B. S.
(1) M. S. S. S.
M. S. S. S. S.

(16) K. S. S. S. S.

Amish
B. S. S. S.
Advocate
1.1.16

..2/....

Particulars of temporary posts attached to PSD Guwahati transfer ed to Assam Circle.

Sl No.	Particulars of posts	No. of posts	Date of creation	Period upto which re-tained.	Sanction particulars of retention memo.
1.	Group D L/R (Non-test)	1 ✓	4-7 79	28.2.93 28-2-94	Est/36-1/76 dt 16.7.92 ✓ Add. 9-2-94
2.	ASRM(Bag) in HSG-I	1 ✓	1-8-88 by upgradation of ASRM(Bag) in ASP/ASRM cadre		The original ASRM (Bag) post was made permanent w.e.f. 1-3-85 vide CO SH No. Est/10-17/76/I dt 25.2.86. The post was upgradated to HSG.I vide Dte No 6-51/85-PE.II dt 13.10.92. ✓ C.P.H.

=====

amshel
Adrocher
11/1/96

-- 2 --

06

Note:- It is presumed that the following posts were diverted to PSD Silchar. Sdmt PSD. Guwahati will kindly confirm.

1. Duftry - 1 [✓]post - made pmtd w.e.f. 1-3-67 vide CO SH No. Est A/SD/IV/2 dt 16.7.68 ✓
- ✓2. Jamadar 1 [✓]post - made permanent w.e.f. 1.3.85 vide CO SH No. 20 % Est/10-17/76/Pt. I dt 25.2.86 (Test)
3. Jamadar 1 post - made permanent w.e.f. 1-3-85 vide (Non -test) CO Shillong no, Est/10 17/76/Pt. I dtd 25.2.86

attached

* *

*For the
Advocate
1/1/86*

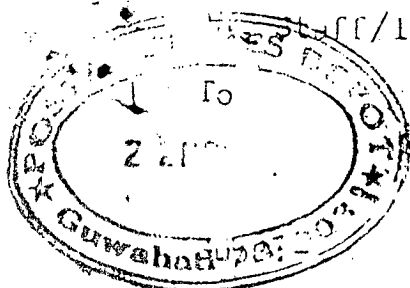
Under Invoice

11/11/93 6-24-

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE SHILLONG

Ref: 11/125-1/PSD/93

Dated Shillong the 19/11/93



The Supdt PSD,
Guwahati.

Request for payment of deputation (Duty) Allowance.

Ref :- Your No. SD/BA-11/Ch-111 dated 14-10-93.

Kindly refer to this office letter of even no. dttd. 23.9.93 regarding above mentioned subject in which it was already intimated that posting of the PSD from neighbouring divisions constitutes regular posting and not deputation and hence no deputation allowance is admissible.

Any officials willing to continue in the PSD without extra benefit may be intimated for posting back to their divisions.

Staff for
circulation to SAs.
22/11

(L. Munja)
Asstt. Postmaster General (Staff)

qund
B. H.
Advocate
1/1/96

1341

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
MEGHDOOT BHAWANIGUWAHATI-1.

MI.

To,

The Supdt. Postal Store Depot.
Guwahati-3.

No. Est/29-7/79/167

Dated at Guwahati the 29.11.93

Subject: Request for payment of Deputation (Duty)
Allowance.

Ref: Your letter No. SD/BA-II/Ch.III dated 5.11.93.

With reference to your above letter, this is to intimate that the scope for admissibility of Deputation (Duty) allowance as claimed by the 4(four) officials has been examined. I am directed to say that the deputation (duty) allowance is not admissible as the posting is on tenure basis in a routine manner and not outside the field of deployment.

Slack
8/11/93
24/11

quintal

Advocate
1/1/96

(B.C. Roy)
Asstt. Director(Est)
for Chief Postmaster General,
Assam Circle, Guwahati-781001.

ANNEXURE-8

39

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE
GUWAHATI - 781001.

No. Staff/37/1/94 Pt.-I Dated at Guwahati the 19-12-93

Approval of the Chief Postmaster General, Assam Circle, Guwahati is hereby conveyed for repatriation of the following Official of PSD/Guwahati (on deputation from N.E. Circle) from Assam Circle to N.E. Circle, Shillong with immediate effect.

Shri Subhash Choudhury, Manager, PSD/Guwahati
(On deputation from Meghalaya Postal Dn.)

On relief, the Official will seek his posting order from his parent unit under N.E. Circle.

(I. C. Sarma)

Asstt. Postmaster General (Staff)
For Chief Postmaster General
Assam Circle, Guwahati - 781001.

Copy to:

1. Chief PMG, N.E. Circle, Shillong for information and necessary action with reference to his No. Staff/125-1/PSD/93 dated 22-11-93.
2. SSPOs, Meghalaya Division, Shillong.
3. SSPOs, Guwahati -1 will please post a HCG-II (BCR) Official to PSD/Guwahati for the post of Manager, PSD/Guwahati.
4. ✓ Sr. Postmaster, Shillong/Guwahati G.P.O.
5. Supdt. PSD/Guwahati with reference to his No. SD/D-207 dtd. 27-11-93.

For Chief Postmaster General
Assam Circle, Guwahati - 1.

amshel
R. S. Choudhury
1.1.96

ANNEXURE-9

To,

The Hon'ble Chief, Postmaster, General
North Eastern Circle, Shillong
Shillong 793 001

Subject:- Transfer and Posting at Postal Stores
Depot, Guwahati - case of Shri S.C. Choudhury
Manager, Postal Stores Depot, Guwahati

Respected Sir, *This - Staff Channel*

With profound respect and humble submission, I beg to lay the following few lines for favour of your ^{kind} and sympathetic consideration.

② That Sir, I have been transferred and posted as Manager Postal Stores Depot, Guwahati in the interest of service as a normal sphere of transfer and posting vide your memo No. Staff/125-1/PSD/93 dtd 12.11.93 for a tenure vice vacant post.

③ That Sir, it has been clarified vide C.C. Shillong memo No. Staff/125-1/PSD/93 dtd 19.11.93 that posting of Postal Stores Depot, Guwahati, constitute regular posting and not deputation.

④ That Sir, it has further been clarified vide C.O./Shillong memo No. EST/297 /79/167 dtd 29.11.93 that posting at PSD, Guwahati is on tenure basis in a routine manner and not outside the field of deployment.

⑤ That Sir, PSD, Guwahati bi-furcated from N.E. Circle to Assam Circle w.e.f. 1.6.94. According to normal sphere of bi-furcation, establishment of PSD, Guwahati transferred to the Assam Circle with Assets and Liabilities. Accordingly, the respected DPS, Shillong vide his D.O. No. EST/34-37/81 Dated 1.7.94. addressed to the DPS, Guwahati, transferred the relevant establishment of PSD, Guwahati from N.E. Circle to Assam Circle, with clear direction to the APMG (Staff) N.E. Circle, Shillong to transfer ~~xxxx~~ the staff of PSD, Guwahati to Circle office, Guwahati with reference to the above D.O. It is therefore, there is no dispute that the PSD, Guwahati bi-furcated from N.E. Circle to Assam Circle with assets and liabilities.

⑥ That Sir, at this stage officials working at PSD, Guwahati treated to have on deputation and forcefully repatriate to the N.E. Circle against will and

contd.....2

amish
R. Ch
- Adv. Secy
r/1/96.

- 2 -

and appl. to this effect, perhaps contrary to the ~~establishment~~ established norms as explained in the paras referred to above.

⑦ That Sir, it is learnt that the respected Superintendent, PSD, Guwahati, reported against me by making some imaginary allegation to malign my official position to meet the end of his desire to transfer me. It is therefore pray to your good self, that before taking cognizance of the report, I may kindly be provided an opportunity to defend the allegation.

In the premises of the aforesaid fact and circumstances it is prayed to your honour, kindly to look in to the matter and justice be mated and for which act of your kindness, your petitioner shall remain ever pray.

With regards,

Yours faithfully,

(S.C. Choudhury)
Manager, Postal Stores Depot
Guwahati-781 003

Copy to :- The Hon'ble, Chief Postmaster General, Assam
Circle, Guwahati, for favour of information
and necessary action.

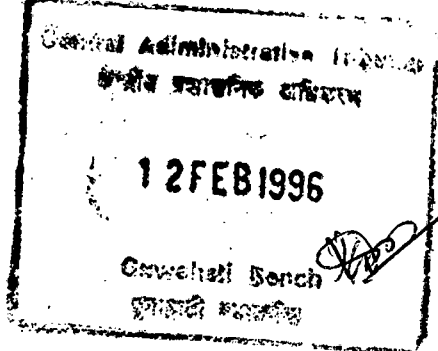
Yours faithfully,

Place:- Guwahati

Date :- 26.12.95

(S.C. Choudhury)
Manager, Postal Stores Depot
Guwahati-781 003

Amended
R. A.
Adm. Secy
11/1/96



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Filed by
Shankar

23/1/96
Central Govt. Standing Committee
Central Administrative Tribunal
Guwahati Bench, Gauhati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH

G U W A H A T I

O.A. No.1/96 ✓

Shri Subhash Choudhury ...Applicant.

-Vs-

Union of India & Ors.... Respondents.

-AND-

In the matter of :

Written Objection against
interim relief sought for by
the applicant.

-And-

Written Objection

The humble Respondents submit their
Written Objection as follows :-

1. That no order of repatriation has been served on the applicant and as such there is no cause of action of the application and hence question of interim relief does not arise.

Contd.....

2. The application is pre-matured and hence liable to be dismissed. The letter No.Staff/57/1/94/Pt.I dated 19-12-95 was issued only to CPMG Shillong & ors. but not to the applicant.

3. That the application is not maintainable in law as well as in facts and as such the same is liable to be dismissed.

4. That the present Postal Stores Depot has all a long been under control and management of Chief Postmaster General, N.E.Circle, Shillong till 1-6-94 and all salaries etc. were paid under the authority of Chief PMG, N.E.Circle, Shillong. In fact, the applicant is an employee under the control and management of Chief PMG, N.E.Circle, Shillong. But from 1-6-94, this Stores Depot where the applicant was serving, came under the control and management of CPMG, Assam Circle, as per order of the Directorate, New Delhi conveyed by the Asstt. Director(Estt), O/O the CPMG, N.E.Circle, Shillong.

Annexure-A is the copy of such letter dated 12-5-94.

5. That the same order at Annexure 'A' has also been conveyed by the APMG(Estt) O/O the CPMG, Assam Circle, Guwahati to Chief PMG, N.E.Circle, Directorate, New Delhi etc. vide letter No.Est/24-2/87(44)dtd.24.5.94.

Contd.....

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Annexure-'B' is the copy of such letter.

6. That the Asstt. Director (Estt), O/O the Chief P.M.G., N.E. Circle, Shillong vide his letter No. Est/34-37/81 dated 1-7-94 transferred only the posts of permanent and temporary belongs to Postal Stores Depot to Assam Circle but not the incumbents who hold those posts. They are to be repatriated as they belong to N.E. Circle.

Annexure-'C' is the photo copy of such letter.

7. That while the applicant was serving in Shillong General Post Office, under N.E. Circle, he was transferred to Postal Stores Depot, Guwahati as the Postal Stores Depot was under the administrative control and management of N.E. Circle, Shillong vide memo No. Staff/125-1/PSD/93 dated 12-11-93 by APMG (Staff) Shillong.

Annexure-'D' is the photo copy of such transfer letter.

8. That it may be mentioned that the O/O the C.P.M.G., N.E. Circle, Shillong was maintained applicant's seniority and lien in service alongwith his Service Book etc.

9. That the Respondents beg to state that the applicant has not filed any option paper to the CPMG, Assam Circle at the time of bifurcation of original N.E. Circle to N.E. and Assam Circles in the year 1988 or thereafter.....

thereafter and as such, question of granting interim relief does not arise.

10. That the Respondents beg to state that the applicant is not a deputationist, but he is serving in N.E. Circle and repatriation comes only when the Postal Stores Depot has been transferred to Assam Circle with all the posts thereof. The applicant being an employee of N.E. Circle, so repatriation comes.

11. That the Respondents beg to state that the applicant has not been absorbed in Assam Circle and as such, question of interim relief does not arise.

12. That your Respondents beg to state that there are no reasonable grounds for granting interim order as prayed for by the applicant.

13. That your Respondents beg to state that it is a fit case for refusing interim relief to the applicant.

It is, therefore respectfully prayed that the Hon'ble Tribunal may be pleased to reject the prayer for interim order as prayed for by the applicant.

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

Verification.....

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

I, Shri B.B.Choudhury, Superintendent of Postal Stores Depot in Assam Circle, Guwahati do hereby solemnly declare that the statements made above are true to my knowledge, belief and information, and I sign the Verification on this 23rd day of January, 1996 at Guwahati.

B.B.Choudhury
Declarant.
कमीशनर/Supdt.
डाक भण्डार संचालक
Postal Stores Depot.
गुवाहाटी/Guwahati-781 003

15 APR 1954
GUWADIAT-73103
N.E. CIRCLE-BILLING

Dated Shillong the 12/5/94.

Asstt. Director (Estt.)

- 1) The Chief Postmaster General, Assam Circle, Guwahati for kind information and necessary action.
- 2) The Director General (Estt) Department of Posts, New Delhi-110 001.
- 3) All heads of Divisions in N.E. and Assam Circle.
- 4) The Superintendents of Postal Stores Depot, Guwahati, ~~Silchar~~.
- 5) The Director of Accounts (Postal) Calcutta-700 012.
- 6) The Supdt, N.E. Stamp Depot Guwahati.
- 7) All head Postmasters in N.E. Circle.

Ghose
12594

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DEPARTMENT OF POSTS, INDIA:
THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
MEGHDOOT BHAWAN: GUWAHATI-1.

MEMO No. EST/24-2/87(44)

Dtd. at Guwahati the 24-05-94.

Annexure - B

In pursuance of the approval accorded vide Directorate's No. 33-16/92-PE.II dtd. 25-3-94 the undersigned is directed to convey the approval of the Chief Postmaster-General, Assam Circle, Guwahati for transfer of the Postal Stores Depot, Guwahati from the administrative control of the Chief Postmaster General, N.E. Circle, Shillong to the administrative control of the Chief Postmaster General, Assam Circle, Guwahati with effect from 01-06-94 without any change in the present attachment of the units. The PSD/Guwahati and the PSD/Silchar will continue supply of forms to the units in both Assam and N.E. Circles as is being done hitherto.

This is in concurrence with the Chief Postmaster General, N.E. Circle, Shillong memo No. Est/24-17/81 dtd. 12-5-94.

(J.K. Barbhuiya)

A.P.M.G. (Estt),

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

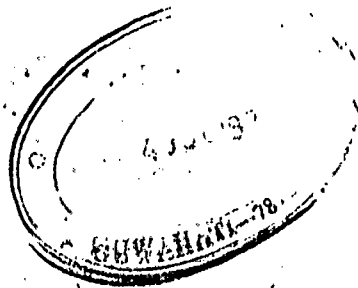
Copy to:-

- 1) The Chief Postmaster General, N.E. Circle, Shillong. He is requested to kindly cause transfer of the Esstt. file of PSD/Guwahati alongwith particulars of existing staff (categorywise) on deputation to PSD/Guwahati to this office early.
- 2) The Director General (PE-II), Department of Posts, Dak-Bhawan, New-Delhi- 110001.
- 3) All Heads of Divns. in Assam and N.E. Circles.
- 4) All R.D.P.S. in N.E. Circle.
- 5) The Supdt., Postal Stores Depot, Guwahati/Silchar.
- 6) The Director of Accounts (Postal), Calcutta-700012.
- 7) The Supdt. N.E.S.D., Guwahati.
- 8) All Head Postmasters in Assam and N.E. Circles.

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

M. D. B.
27-5-94

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47
S. SHYAM
A.D.P.S. (E)



Annexure - 'C'

Shillong

EST/34-37/81

1-07-1994

Dear Madam,

This is regarding transfer of establishment of Postal Stores Depot, Guwahati from the administrative control of Chief Postmaster General, Shillong to the Chief Postmaster General, Guwahati having reference to your D.O. letter No. Est/24-2/87 dt 2.6.94 addressed to Shri A.N.D. Kachari, DPS, Shillong.

The particulars of posts in all cadres attached to PSD Guwahati in both permanent and temporary status furnished in the enclosed annexure I & II are hereby transferred to Assam Circle with effect from 1-6-94. The relative establishment file will be transferred separately.

The particulars of posts are furnished on basis of available records which may kindly be confirmed by the Supdt. P.S.D. Guwahati who is the DDO for the unit. A copy of this letter is also endorsed to him for confirmation.

With best regards,

Yours sincerely,

Enclo:- (2)

Sd/-
(S. SHYAM)

MS M. Iawphniew,
DPS, Assam Circle,
the Chief Postmaster General,
Guwahati- 781 001.

Copy to:

- 1) Sri B.D. Choudhury, Supdt. PSD, Guwahati for favour of information and necessary action as discussed above.
- 2) The Asstt. Postmaster General (S) Circle office, Shillong. He is requested to transfer the staff of PSD, Guwahati to Circle office, Guwahati w.r.t. the above D.O.
- 3) O/C

Enclo+ (2).

(A.N.D. KACHARI)
Director of Postal Services (HQ)
N.E. Circle, Shillong-793001

Particulars of permanent posts attached to PSD, Guwahati
transferred to Assam Circle.

Sl. No. Particulars of posts. No. of posts. Date of permcy Sanction particulars of permanent nency issued by Dte/CO, Shillong.

1. Supdt. (BSS Gr 'B')	1 ✓	1-3-66 ✓	Dte No. 32-7/66-PE dt 20.6.66
2. IPOs (Uniform)	1 ✓	1-3-73 ✓	CO Shg No. Est/AR-284 dt 16.3.74
3. Manager (HSG. II)	1 ✓	1-3-65 ✓	CO Shg No. Est A/R-284 dt 18.9.65
4. Asstt. Manager (LSG)	1 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt III dtd 23.8.62
5. Accountant x	1 ✓	1-3-70 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 16.7.68
6. T/S PAX	11 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 23.8.62
7. T/S PA	(2) ✓	1-3-85 ✓	CO SH No. Est A/X-606/SD/Pt II 3-16-76 dtf 25.2.86
8. Carpenter	1 ✓	1-9-62 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 23.8.62
9. Duffry	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/Pt. IV/2 dtd 23.8.62
10. Orderly Peon	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
11. Office Peon	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
12. Class IV	(10) ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
13. L/R TS. PAX	1 ✓	1-3-68 ✓	CO SH No. Est A/X-606/SD/Pt. III dtd 16.7.68
14. L/R Class IV (Test)	1 ✓	1-3-73 ✓	CO SH No. Est A/SD/IV/2 dt 8.5.78
15. Farash (NT)	1 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
16. Chowkidar	(1) 2 ✓	1-9-62 ✓	CO SH No. Est A/SD/IV/2 dt 23.8.62
17. Chowkidar	1 ✓	1-3-68 ✓	CO SH No. Est A/SD/IV/2 dt 16.7.78
18. Safaiwala	1 ✓	1-3-73 ✓	CO SH No. Est A/SD/IV/2 dt 8.5.75
19. Jamadar 20 % LSG (Test)	2 ✓	1-3-85 ✓	CO SH No. Est /10-17/76 Pt. I dtd 25.2.86
20. Jamadar 20 % LSG (N. Test)	2 ✓	1-3-85 ✓	CO SH No. Est /10-17/76 Pt. I dtd 25.2.86

Nakul Saha
Sobor Gorkh
Mogam Das

Prabin Raha

Kamleshwar Das

(2) AR (NT)

..2/....

ANNEXURE: II

Particulars of temporary posts attached to PSD Guwahati
transferred to Assam Circle.

Sl. No.	Particulars of posts	No. of posts	Date of creation	Period upto which retained.	Sanction particulars of retention memo.
1.	Group D L/R (Non-test)	1 ✓	4-7 79	28.2.93 21.2.94	Est/36-1/76 dt 16.7.92 ✓ dt 9.2.94
2.	ASRM(Bag) in HSG-I	1 ✓	1-8-88 by upgradation of ASRM(Bag) in ASP/ASRM cadre		The original ASRM (Bag) post was made permanent w.e.f. 1-3-85 vide CO SH No. Est/10-17/76/I dt 25.2.86. The post was upgraded to HSG.I vide Dto No 6-51/85-PE.II dt 13.10.92. ✓

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Note:-

It is presumed that the following posts were diverted to PSD Silchar. Suptd PSD, Guwahati will kindly confirm.

1. Duftry - 1 ✓ post - made pmitt w.e.f. 1-3-67 vide CO SH No. Est A/SD/IV/2 dt 16.7.69 ✓
- ✓ 2. Jamadar 1 ✓ post - made permanent w.e.f. 1.3.85 vide CO SH No. Est/10-17/76/Pt. I dt 25.2.86
20 %
(Test)
3. Jamadar 1 post - made permanent w.e.f. 1 -3-85 vide
(Don -test) CO Shillong no, Est/10 17/76/Pt. I
dtd 25.2.86

* *

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: N.E.CIRCLE?SHILLONG

Memo No. Staff/125-1/PSD/93 Dated Shillong, the 12.11.93.

The following officials are transferred and posted to the Postal Stores Depot, Guwahati and ~~Shillong~~ Silchar as indicated below :

<u>Name and designation</u>	<u>Name of post</u>
	<u>P.S.D. Guwahati</u>
1) Shri Subash Choudhury, HSG-II, Acctt Shillong GPO	Manager
2) Mrs Jaya Banik, PA, SBCO Circle office, Shillong	PA
3) Shri Suren Ch Das, PA Arunachal Pradesh Division	PA
	<u>P.S.D. Silchar</u>
1) Shri Rajmoni Roy, PA, Nagaland Dn.	PA

2. They shall be relieved only on receipt of order of posting from the Supdts. concerned.
3. The postings are made in the interest of service as normal spheres of transfer and posting.

(L. Munga)
Asstt. Postmaster General (Staff)

Copy to :- 1) The Supdt., P.S.D., Guwahati and Silchar. The officials shall be adjusted against the existing vacancies or vacancies to be created by the posting of Lr. PAs to Guwahati division or Cachar division who has already been approved for transfer under Rule-38.

2) The Director of Postal Services, Nagaland, Kohima with reference to his letter No.R-863 dated 27.8.93. He may kindly relieve the official as soon as order of transfer of either Shri Lakshmi Kanta Das or Smti Dipti Kona Das to Cachar division as issued by the Sr.Supdt. of P.Os. Silchar.

3) The Sr.Supdt. of P.Os, Silchar. He may kindly post either Shri L.K.Das or Smti Dipti Kona Das to his division under Rule-38. Posting of substitute in respect of the one being left out new is being made soon since both of them have completed tenure in the P.S.D. which is a sensitive posting.

- 4) The Director of Postal Services, Itanagar.
- 5) The Sr.Supdt. P.Os, Guwahati
- 6) The Postmaster, Kohima and Itanagar.
- 7) The Sr. ~~XXXXXX~~ Postmaster, Shillong GPO
- 8) The Asstt. Director (A/Cs), C.O. Shillong.
- 9) The A.A.O. (Bgt), C.O. Shillong.
- 10) The Officials concerned.
- 11) P/F of the Officials.
- 12) The Sr.Supdt. of P.Os, Shillong.

for Chief Postmaster General
N.E.Circle, Shillong

13

128 40
Annexure 'D'
54

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POST OFFICE GENERAL L.N.E. CIRCLE SHILLONG

Memorandum No. Staff/125-J.P.S./03 Shillong, the 12.11.03

The following officials are transferred and posted to the Postal Stores Depots, Guwahati and Silchar as indicated below:-

- | Name and designation | From | To |
|--|----------|----------|
| P.S.D. Guwahati | | |
| 1) Shri Subash Choudhury, B.Sc.-II, Asstt. Shillong C.P.O. | Shillong | Guwahati |
| 2) Mrs. Jaya Ranit, P.A., S.D.C.O., Circle Office, Shillong. | Shillong | P.A. |
| 3) Shri Suran Ch. Das, P.A., Arunachal Pradesh Division | Shillong | P.A. |
| P.S.D. Silchar | | |
| 1) Shri Rajmoni Roy, P.A., Nagaland Dn. | Shillong | P.A. |

2. They shall be relieved only on receipt of order of posting from the Depots, concerned.

3. The postings are made in the interest of service as normal spheres of transfer and posting.

4/9
Immediate
12/11/03

Asstt. Postmaster General

Copy to :-

1) The Suptt., P.S.D., Guwahati and Silchar. The officials shall be adjusted against the existing vacancies to be created by the posting of the P.A. to Guwahati division or Cachar division who has already been appointed under Rule-38.

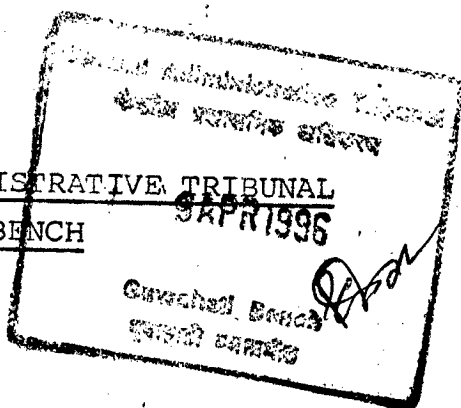
2) The Director of Postal Services, Nagaland, Kohima with reference to his letter No. P-363 dated 27.8.03. He may kindly relieve the official as soon as order of transfer of either Shri Urishmi Kanta Das or Smti Bipli Kanta Das to Cachar division as issued by the Suptt. of P.Os, Shillong.

3) The Sr. Suptt. of P.Os, Silchar. He may kindly post either Shri L.C. Das or Smti Bipli Kanta Das to his division under Rule-38. Posting of substitute in respect of the one being left out now is being made soon since both of them have completed tenure in the P.S.D. which is a sensitive position.

- 4) The Director of Postal Services, India.
- 5) The Sr. Suptt. of P.Os, Guwahati.
- 6) The Postmasters, Kohima and Dimapur.
- 7) The Sr. Postmaster, Shillong.
- 8) The Asstt. Director (A/Cs), C.O., Shillong.
- 9) The A.A.O. (Bgt), C.O., Shillong.
- 10) The officials concerned.
- 11) P/F of the officials.
- 12) The Sr. Suptt. of P.Os, Shillong.

For Chief Postmaster General
Shillong

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



W)
Filed by Sr. CGSC
9/4/96

O.A. No. 1/96

Shri Subhash Choudhury Applicant

- Versus -

Union of India & Ors. ... Respondents

REJOINDER TO THE WRITTEN OBJECTION FILED BY THE
RESPONDENTS.

The applicant begs to state as follows :

1. That the applicant has gone through the written objection against the interim relief sought for by the applicant and has understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the objection are denied. Further the statements which are not borne on records are also are denied and the respondents are put to the strictest proof thereof.
2. That before dealing with the various contentions raised in the written objection, the applicant begs to state that the instant O.A. was admitted by an order dated 3.1.96. As regards the interim relief, show cause notice was issued making the same returnable on 23.1.96. Pending show cause to be submitted by the respondents, the interim stay was granted by order dated 3.1.96 to be remained effective upto 23.1.96. On 23.1.96 when no written objection was filed in response to the show cause notice against the interim relief prayed for by the applicant, the

Received Copy
Sr. CGSC
9/4/96

Contd..P/2.

Hon'ble Tribunal was pleased to make the interim order absolute with the direction that the interim order passed on 3.1.96 will continue. Presently there is no occasion for vacating the interim order ~~of the~~ and the instant O.A. may be finally heard by placing the matter before a Division Bench inasmuch as although the subject matter has been made to appear as a simple case of transfer but in fact certain intrinsic and important issues are involved in the matter.

3. That the applicant further begs to state that the written objection as has been submitted by the respondents is full of misrepresentation of facts with the sole purpose of misleading this Hon'ble Tribunal on which score alone, the same is required to be rejected.

4. That with regard to the statements made in paragraph 1 of the written objection, the applicant begs to state that the O.A. was filed making a grievance against the Annexure-8 order dated 19.12.95 and thus the said order clearly gave rise to a cause of action for preferring the instant O.A. It is immaterial as to whether the applicant was served with any copy of the order of repatriation. In this connection, the statement made in the O.A. may be referred to. However, the subsequent development in respect of the interim order passed by this Hon'ble Tribunal on 3.1.96 belie the contentions of the respondents. The respondents cannot take the plea of "no cause of action" and at the same time issue orders adversely affecting the applicant. In this connection, it may be stated that pursuant to the impugned order challenging in the O.A.

Contd...P/3.

(Annexure-8) the Supdt. of Postal Store Depot (Respondent No. 5) issued order No.SD/BA-11/CH-II dated 10.1.96 conveying the order of repatriation of the applicant. Thereafter again vide ~~order~~ letter No.B/A-41/CH-II dated 22.1.96, the applicant was sought to be relieved from the post being held by him. Further the office of the Chief Postmaster General issued another letter No.Staff/57-1/94 Part-II dated 12/16.1.96 issued to the Supdt. of Postal Store Depot, Guwahati-3 directing the release of the applicant. The respondent No. 5 also informed the applicant vide his letter No.SD/B-207 dated 9.1.96 that his application dated 8.1.96 regarding stay has been forwarded to the Circle Office. All these letters/orders will go to show two things - firstly, the respondents have not cared to honour the interim order passed by this Tribunal. Hon'ble ~~order~~ and secondly they have made false statement before this Hon'ble Tribunal that there is no cause of action because no order of repatriation has been served on the applicant. But on the other hand, they have been issuing orders of repatriation of the applicant. In view of the above, the respondents are liable for ~~xxx~~ suo moto contempt proceeding to be initiated by this Hon'ble Tribunal. They are also liable for appropriate proceeding of making false statement before this Hon'ble Tribunal.

Copies of the orders dated 10.1.96, 22.1.96, 12/16.1.96 and 9.1.96 are annexed herewith as ANNEXURES-A B C & D respectively.

5. That with regard to the statements made in paragraphs 2 and 3 of the written objection, the applicant reiterates and reaffirms the statements made hereinabove

and stoutly deny that the instant O.A. is prematured. The instant O.A. has been rightly filed and the respondents are liable for contempt of court proceeding for making false statement before this Hon'ble Tribunal.

6. That with regard to the statements made in paragraphs 4 and 5 of the objection, the applicant begs to state that as per own admission of the respondents the Postal Stores Depot came under the control and management of Chief Postmaster General, Assam Circle as per order of the Directorate. The applicant is part and parcel of Assam Circle with effect from 1.6.94 consequent upon bifurcation of PSD from N.E. Circle, Shillong to Assam Circle, Guwahati.

7. That with regard to the statements made in paragraph 6 of the objection, the applicant categorically denies the contentions made there in. There is no indication in the letter dated 1.7.94 (Annexure-C to the objection) that it is only the post which have been transferred to Assam Circle and not the incumbents holding the posts. In this connection, it is stated that consequent upon bifurcation vide CPMG's letter dated 1.7.94 not only the posts as shown in Annexures-I and II which are transferred but also the incumbents of the posts as per the norms of bifurcation. Some instances are given below :

- (a) Shri R.K. Chakraborty, holder of the post of ASRM (Bags) at Sl. No. 2 of Annexure-2 has been promoted to the post of Asstt. Director (Mails), office of the Chief Postmaster General, Assam Circle, Guwahati against leave vacancy vide CPMG's Memo No Staff/3-4/92 dated 1.7.94. Against the said official has been transferred to hold the post of ASRM (Bags), PS.D., Guwahati vide

45
C. C.O. Guwahati Memo No. Staff/3-4/92 dated 17.8.94.

(b) Further the incumbent at Sl. No. 12 of Annexure-1 has been granted house building advance of Rs.18,240/- vide CPMG's Assam Circle Memo No.AP/27-762/93 dated 24.11.95. The financial assistance to the flood victims of the postal employees of Assam Circle was also granted to the incumbent at Sl. No. 12 of Annexure-1 vide CPMG's letter No.WLF/276/95 dated 29.11.95.

From the above, it is clear that the holders of the posts at Annexure-I and II are deemed to be absorbed and accommodated in the new Circle on bifurcation. Therefore, the incumbent at Sl. No. 3 of Annexure-I i.e. the applicant cannot be discriminated. The plea of the respondents is far from truth.

Copies of the memo dated 1.7.94, 17.8.94, 24.11.95 and 29.11.95 are annexed herewith as ANNEXURES-E F G & H respectively.

8. That with regard to the statements made in paragraphs 7 and 8 of the objection, the applicant begs to ~~xxxxxx~~ reiterate and reaffirms the statements made hereinabove. It is categorically denied that the office of the Chief Postmaster General, N.E. Circle, Shillong has maintained applicant's seniority and lien in service alongwith his service book etc. In this connection, it is stated that the Service Book, Personal Files and all other relevant service records are maintained by the respondent No. 5 himself and not by the CPMG, N.E. Circle, Shillong as stated by the respondents.

9. That the applicant categorically denies the statements made in paragraph 9 of the objection and states that the respondents have made false statement with the sole purpose of misleading this Hon'ble Tribunal. In this connection, it is stated that at the time of bifurcation of original N.E. Circle to N.E. Circle and Assam Circle in the year 1988, the applicant duly exercised his option on 6.6.88 to the authority through proper channel as per rule and the said option was forwarded to the Senior Supdt. of Post Offices, of Meghalaya Division, Shillong for onward transmission by the Postmaster, Tura vide his letter No.AI/Staff/88-89 dated 6.8.88. Thus there is material suppression of fact by the respondents unbecoming of model employer. On this score alone, the respondents' pleas as have been raised in the written objection are not sustainable and liable to be rejected. They are also liable for appropriate proceeding for making misleading statements before this Hon'ble Tribunal.

Copy of the letter dated 6.6.88 and its forwarding letter are annexed as ANNEXURES-I and J respectively.

10. That with regard to the statements made in paragraph 10 of the written objection, the applicant begs to state that by their own statements, the respondents admitted that the applicant is not a deputationist. However, the applicant has been described as a deputationist. Thus the respondents themselves are not sure of their own stand in the matter. Further as per their own statements,

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P.S.D. has been transferred to Assam Circle with all the posts thereof. Thus there is no earthly reasons as to why the applicant should be sent to N.E. Circle more so when he had exercised his option for his repatriation to Assam Circle way back in 1988.

It is a fact that prior to 1.6.94 all the employees working in the P.S.D. Guwahati were under N.E. Circle including the applicant. However, after 1.6.94 they are all employees of the Assam Circle. If any employee desires to go back to his old Division/Circle he is required to exercise his option and/or to make representation seeking repatriation to his old Division/Circle. Otherwise the employees are deemed to be opted and absorbed in the new Division/Circle as the case may be. The following examples will fortify the claim of the applicant :

The applicant while was working at Shillong G.P.O. was temporarily clerk. The then Original Lower Assam Division was bifurcated to Lower Assam Division and Shillong Division in the year 1964 (first bifurcation faced by the applicant). The applicant made representation seeking his repatriation to the then Lower Assam Division (now renamed as Guwahati Division) i.e his home division. N.E. The Postmaster General, ~~Assam~~ Circle, Shillong, allowed the repatriation vide his No.Staff/A/Z-15/64 dated 20.7.65 and accordingly, the applicant was posted at Guwahati University Post Office vide Sr. Supdt. of Post Offices, Lower Assam Division, Guwahati's letter No.B/A-4/CH-II dated 25.7.65.

Again original N.E. Circle was bifurcated to N.E. Circle and Assam Circle in 1988 (applicant faced the second bifurcation). The applicant was placed in the N.E. Circle as the applicant on the date of bifurcation was working at Tura under N.E. Circle, though the applicant belongs to Guwahati Division under Assam Circle. The applicant accordingly exercised option on 6.6.88 as stated above seeking his repatriation to Assam Circle. The applicant was transferred ~~xx~~ and posted in the P.S.D. Guwahati in December 1993 while P.S.D. Guwahati was under the N.E. Circle. The P.S.D. Guwahati was bifurcated to Assam Circle with effect from 1.6.94 and therefore, the applicant was placed in the Assam Circle. As the applicant did not exercise option or made any representation to go back to his old circle i.e. NE. Circle ~~xx xxxxxxxx~~ ~~the xxxxx employees and accordingly~~ The applicant is absorbed in Assam Circle at par with the other employees and accordingly, no question of his repatriation arose.

11. That with regard to the statements made in paragraph 11 of the objection, it is stated that ~~the~~ consequent upon bifurcation with effect from 1.6.94, the applicant is deemed to have been placed/absorbed in Assam Circle as per rule/criteria as was done in 1988 consequent upon bifurcation of original N.E. Circle to N.E. and Assam Circle. It is denied that the applicant has not been absorbed in Assam Circle.

12. That with regard to the statements made in paragraphs 12 and 13 of the objection, the applicant while denying the contents raised therein begs to state that

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there are reasonable grounds in granting the interim relief more so the written objection filed by the respondents are full of suppression of material fact. Thus the interim order is not only required to be made absolute pending decision in the main O.A. but the O.A. itself deserves to be allowed with cost to the applicant. The respondents cannot adopt a double standard on pick and choose basis as per their own convenience. If the stand of the respondents in the instant case is allowed, the same will be violative of Articles 14 and 16 of the Constitution of India and there will be miscarriage of justice. Equity and fairplay demand that the applicant be bestowed with the relief sought for by him in the O.A.

13. That under the facts and circumstances stated above, the written objection filed by the respondents are not maintainable and liable to be rejected making the interim order granted in favour of the applicant absolute till disposal of the O.A.

Verification.....

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

I, Shri Subhash Chandra Choudhury, the applicant in O.A. No. 1/96, do hereby solemnly affirm and verify that the statements made in the rejoinder are true to my knowledge I have not suppressed any material facts.

And I sign this verification on this the day of April 1996 at Guwahati.

Subhas Ch Choudhury

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SUPDT. POSTAL STORES DEPOT, GUWAHATI
GUWAHATI-781 003

No. SD/BA-11/Ch II Dated at Guwahati-3 the 10.1.96.

In pursuance of Chief Postmaster General, Assam Circle, Guwahati letter No. Staff/57/1/94 Pt I dtd 19.12.95 it is hereby conveyed the order of repatriation of following officials of N.E. Circle, now on deputation to Postal Stores Depot, Guwahati with immediate effect.

Sri Subash Choudhury, Manager, Postal Stores Depot, Guwahati (On deputation from Meghalaya Postal Dn.)

The afore said official on relief on office arrangement should report to Sr. Supdt. of Post Offices Meghalaya Dn. and seek his posting order.

Sd/-

(B.B. Choudhury)
Supdt. Postal Stores Depot,
Guwahati-781 003

- Copy to :-
- 1) The Chief Postmaster General, Assam Circle Guwahati w.r.t. C.O./GH letter no. cited above.
 - ✓ 2) The Chief Postmaster General, N.E. Circle, Shillong for information and n/a-
 - 3) The SSPos/Meghalaya Dn. for information and n/a.
 - 4) The SSPos/Guwahati Dn.- for information and n/a.
 - 5) The Manager, Postal Stores Depot, Guwahati
 - 6) The official concerned.
 - 7) P/F
 - 8) Spare

B.B. Choudhury
Superintendent,
Postal Stores Depot, Guwahati
781 003

Attested.

[Signature]
Advocate.

DEPARTMENT OF POST OFFICES
OFFICE OF THE SR. SGT. OF POST OFFICES GH DN,
GUWAHATI:-781001.

NO. S/A-41/Ch-II, Dated at Guwahati the 22-1-96.

The following transfer and posting order is issued in the interest of service to have immediate effect.

Sri Jay Kanta Kalita APM/Guwahati G.P.O. on relief on office arrangement is transferred and posted as Manager, PSp/Guwahati:-3 relieving Shri Sushash Choudhury Manager PSp/Guwahati:-3 (on deputation from Meghalaya Postal Dn) repatriated vide G.O's No. Staff/57/1/94 Pt-1 dt 19-12-95.

Sd/-

Sr. Supt. of Post Offices,
Guwahati Dn, Guwahati:-781001.

Copy to:-

- 1-2) The officials concerned.
- 3) The PF of the official.
- 4) The Sr. P.M. Guwahati G.P.O. He will kindly relieve the official on office arrangement immediately.
- 5) The Supt. PSp/Guwahati:-781003.
- 6) The Chief PMG/Assam Circle, Guwahati:-1, w.r. to G.O's No. Staff/57/1/94 Pt-I dt 19-12-95.

Sr. Supt. of Post Offices,
Guwahati Dn, Guwahati:-781001.

Advocate.

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ANNEXURE - C



DEPARTMENT OF POST:: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL; ASSAM CIRCLE
GUWAHATI - 781001.

To,

The Supdt., PSD,
Guwahati - 3.

No. Staff/57-1/94 Pt.-II Dated at Guwahati the 12.01.96.

Sub: Repatriation/Transfer of Shri S. C.
Choudhury, Manager, PSD/Guwahati from
PSD/Guwahati to N. E. Circle, Sillong.

Ref: Your No. SD/BA-11/Ch.-II Dtd. 8-1-96.

I am directed to inform you that the
Official may be relieved on office arrangement immediately
but the substitute can be posted when staff position in
the division is improved.

(I. C. Sarma)
Asstt. Postmaster General (Staff)
For Chief Postmaster General
Assam Circle, Guwahati - 781001.

Copy to:

1. The SSPOs, Guwahati. He will kindly refer to
this Office letter of even No. dated 19-12-95
and obtain willingness from HSG-II (RCR)
Officials for the post of Manager, PSD/CHY.
and forward the same to this Office for
approval.
2. The Chief PMG, N. E. Circle, Shillong.

For Chief Postmaster General
Assam Circle, Guwahati - 781001.

Attes. ed.
Advocate.

-14-

ANNEXURE-D

5468

कोर-7/Corr-7

भारतीय डाक विभाग

कार्यालय/Office of the

7
3.2.8

NO. SD/B-207 dated 2.2.8

Sub: Stay

Your application dt.
8-1-96 regarding stay addressed to
the Supt. Prison, W. dev has
been forwarded to the Civil
Office, Guwahati.

[Signature]

3.2.8

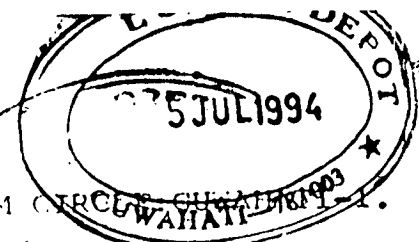
प्रकाशम् सन्त- MGIP (FU) Sant.-52 Post-1, 20 (SI S/S-1/5-3 Pt. III 20-8-00)-9-10-02 9-00-00 P.M.

Attested.

[Signature]
Advocate.

- 15 -

ANNEXURE - E



DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE GUWAHATI-1.

No. Staff/3-4/92

dated at Guwahati the 1.7.1994.

The Chief Postmaster General, Assam Circle, is pleased to issue the following orders in the interest of service, to have immediate effect.

1. Sri B S Sadap, ADPS(Mails) RO Guwahati is posted as APMG(Estt/Bldg), CO Guwahati (in PS Group-B capacity without any pay benefit in Group-A post) vice Sri J K Barbhuiya granted EL for 45 days wef 4.7.94.

2. Sri R K Chakrabarty, ASRM(Bag), O/O the Supdt PSD Guwahati is promoted on adhoc and purely temporary basis to PS Group-B and posted as ADPS(Mails) RO vice Sri B S Sadap, transferred.

The adhoc promotion of Sri R K Chakrabarty will neither confer any right upon him to claim regular absorption in the cadre, nor this temporary promotion will be counted towards seniority for promotion to next higher grade. He may be reverted at any time on joining of regular incumbent in the posts.

This is in cancellation of this office order No.Staff/3-4/92 dated 28th June/94.

Usual charge report may be furnished to all concerned.

(Signature)
(I C SARMA)
APMG(STAFF)
O/O CPMG:GUWAHATI-1

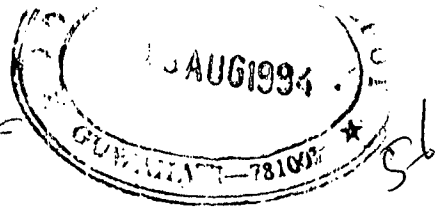
Copy to:-

1. The Chief PMG, N E Circle, Shillong for information. The posting order of Shri H Ahmed, an approved PS Group-B officer may be awaited
2. The DA(P) Calcutta. not
3. The APMG(Estt/Bldg), CO Guwahati. He should/extend his leave.
- 4-6. Officers concerned.
- 7-9. PFS
10. ADPS A/cs, CO/RO, Guwahati
11. AAO Bgt, CO/RO, Guwahati
- 12-19. All Group Officers in CO/RO, Guwahati
20. The Supdt. PSD, Guwahati for information and necy. action.
21. OC

(Signature)
(I C SARMA)
APMG(STAFF)
O/O CPMG: GUWAHATI-1.

Attested.
(Signature)
Advocate.

- 16 - ANNEXURE-F



DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI-781001
No. Staff/3-4/92 dated at Guwahati the 17.8.1994

The following order of transfer and posting is issued in the interest of service.

1. Sri J K Barbhuiya, APMG(E&B) CO Guwahati on expiry of his leave will join his original post vice APMG(E&B), CO Guwahati relieving Sri B S Sadap.
2. Sri B S Sadap, presently working as APMG(E&B) CO Guwahati, on being relieved will join as AD Mails, CO Guwahati terminating the local arrangement vice Sri R K Chakrabarty, reverted to ASRM(HSG-I).
3. Sri R K Chakrabarty, offtg as AD Mails, CO Guwahati on being relieved and on reversion to ASRM(HSG-I) will join as ASRM(Bag) PSD Guwahati against the existing vacancy.
4. Sri H. Ahmed, an approved PS Group-B officer who has been allotted to Assam Circle, on transfer from NE Circle is posted as SRM(Stg) Guwahati RMS, terminating the local arrangement vice Sri G G Singh reverted to ASRM(HSG-I) cadre. Sri Ahmed may join this Circle only after 31.8.1994.

The posting order of Sri G G Singh is being issued separately.

Usual charge report may be furnished to all concerned.

Jeel

(I C SARMA)
APMG(STAFF)
O/O CPMG:GUWAHATI-1

Copy to:-

- 1-5. Officers concerned.
- 6-10. PFs
11. The APMG(E&B), CO
12. AD Mails, CO
13. SSRM GH-Dn, Guwahati
14. SRM(Stg), Guwahati RMS, Guwahati
15. Supdt PSD Guwahati
16. The Chief PMG, N E Circle, Shillong wrto his no.Staff/9-2/88 dtd 8.7.94. He is requested kindly to relieve Sri H Ahmed by 31.8.94 so that he may join this Circle only after 31.8.94 as ordered.
17. HRO Guwahati
19. OC/Spare

Jeel

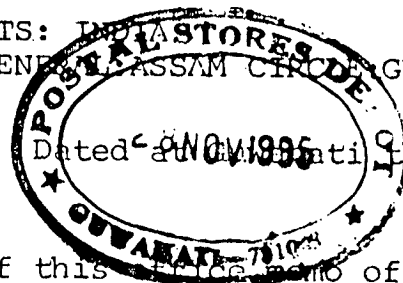
(I C SARMA)
APMG(STAFF)
O/O CPMG:GUWAHATI-1

4

Attested.
[Signature]
Advocate.

DEPARTMENT OF POSTS: POSTAL STORES
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI.

No:- AP/27-762/93



Dated 29-11-95

In continuation of this office memo of even No. dated 30-8-95, sanction of the Chief Postmaster General, Assam Circle, Guwahati is hereby conveyed to the payment of a sum of Rs. 18,240/- (Rupees Eighteen thousand two hundred forty only to Shri/Smti. Tajuddin Ahmed, Gr D' PSD/GHX being the second and last instalment of the House Building Advance. The amount represents 40%/50% of the total grant of Rs. 45,600/- (Rupees Forty five thousand six hundred only) sanctioned vide C.P.M.G./Guwahati memo of even No. dated 14-7-95.

The terms and conditions of the advance as laid down in this office memo of even No. 14-7-95 and the said Ministry's memo, referred to above remain unaltered.

The amount is debitable to the Head 7610 AA Loans to Government Servant etc. AA. House Building Advance "Plan".

30/

Asstt. Postmaster General, (A/Cs)
For Chief Postmaster General,
Assam Circle, Guwahati-781001.

Copy forwarded to :-

1. The Director of Accounts (Postal) Calcutta, for information, through Supdt, PSD/Guwahati.
2. The Sr. Supdt./Supdt. of P.Os./RMS. Supdt, PSD/Guwahati for information and necessary action. This refers to his letter No. SD/208/Ady/Ady dated 16-10-95.
3. The Post Master/HRO Supdt, PSD/Guwahati, for effecting payment and the date of payment may please be intimated to this office early without fail.
4. Shri/Smti. Tajuddin Ahmed, Gr D' PSD/Guwahati, for information, He/She is directed to construct the house as per plans already furnished to this office. No deviation will be allowed unless prior written permission of the Head of the Department.
5. Office copy.

Attested.
Advocate.

For Chief Postmaster General,
Assam Circle, Guwahati-781001.

DEPARTMENT OF POST
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI

Memo.No.WLF/27-6/95

dated at Guwahati the 29.11.95

Sanction of the Chief Postmaster General, Assam Circle, the President, Assam Circle Postal Staff Welfare Board, Guwahati is hereby conveyed for payment of Rs. 1,84,000.00 (Rupees One Lakh Eighty Four thousand) only as financial assistance from Circle Welfare Board to the official(s) particularised in the enclosed list at the loss shown against each for the loss of their properties in the flood of 1995.

The amount will be debitible from circle welfare fund. The Treasurer, Assam Circle Postal Staff Welfare Board will remit the same on receipt stamped receipt in ACG-17 duly countersigned by the Heads of division with designation stamp.

29/11
(S. Ghose)

Welfare Officer,
for Chief Postmaster General,
Assam Circle, Guwahati-1.

- Copy to :-
- 1) Dipak Chakraborty AO(PLI) & Treasurer, Assam Circle Postal Staff Welfare Board, C.O., Guwahati for effecting payment to the heads of division of the respective officials.
 - 2) ADPS(A/C), C.O., Guwahati for information and necessary action.
 - 3) SSPOS, Guwahati (4) SPOS, Nalbari (5) SPOS, Tezpur (6) Supdt. of PSD, Guwahati (7) SPOS, Dhubri (8) Manager MMS, Guwahati
 - 9) SSRM, Guwahati (10) Supdt. of P.C.s, Nowgong.

— They will send stamped receipts in ACG-17 acknowledging receipt of amount shown against their units to the Treasurer. On receipt of the consolidated amount, they will make payment to the official under their control as per enclosed list ensuring that double payment should not be made. If any official(s) from the enclosed list was paid earlier due to flood occurred in the year 1995, their name may be deleted from the list and may be informed to this office immediately. They should also ensure that paid voucher/remittance particular xxxx should be sent to this office immediately after making payment.

- 11) All official concerned.

29/11

for Chief Postmaster General
Assam Circle, Guwahati-1

Attested.
Advocate.

.....

DEPARTMENTAL

No.	Name & designation of the official with office to which attached.	amount sanctioned
1.	Lakshmi kt. Barman, ASPOS, R.O., Guwahati	Rs. 800.00
2.	Jogendra Nath Deka, PA HSG-II, R.O. Guwahati	Rs. 800.00
3.	Basanta Kr. Rabha, S/S, C.O., Guwahati	Rs. 800.00
4.	Tankeswar Deka, PA, C.O., Guwahati.	Rs. 800.00
5.	Mathura Boro, PA, C.O., Guwahati	Rs. 800.00
6.	Santi Ram Saikia, O/S, C.O., Guwahati	Rs. 800.00
		Rs. 4800.00

P.S.D. GUWAHATI
DEPARTMENTAL

Sl. No.	Name & designation of the official with office to which attached.	Amount Sanctioned
1.	Narayan Sarma, PA, PSD, Guwahati	Rs. 800.00
2.	Md. Tajuddin Ahmed, Gr 'D', PSD, Guwahati	Rs. 800.00
3.	Md. Babar Ali, Gr 'D', PSD, Guwahati	Rs. 800.00
		Rs. 2400.00

.....

Attested.

Advocate.

in 7/11/88

ANNEXURE - I 74Option

In Pursuance of Post Master General
 Shillong OM no 5066/31-3/88
 dated 2-6-1988, regarding bifurcation
 of the existing North Eastern Circle,
 I do hereby exercise an option
 for my absorption/posting in
Assam Postal Circle of implementation
of the bifurcation

Date: - 06-06-1988 Signature - [Signature] 06/6/88
 Place: Tura Name in - SUBHAS CH
 Capital letter - (HOU)HUFY
 Designation - APM (A/C)
 Office - Tura 794001

Attested.

Advocate.

सिस्टम विभाग
DEPARTMENT OF POSTS, INDIA

Through Advice

6/15

Post Master
H.O. 194001

End
To

The Sr. Supt of POS
Meghalaya Division
Shillong-4

Date

Dated at

A1/Staff/88-89 -

Tura, the 6.15 June 88

From
Subject

Submission of optin.
regarding the bifurcation of
Circle - Case of Sri Anulya
Rajon Sil P.M. Tura and Sri
Subhash Ch. Choudhury APM
Aces Tura H.O.

In pursuance of Postmaster General,
Shillong OM NO Staff/31-3/88 Dtd 2-6-88 regarding
bifurcation of Circle - The optins received
from Sri A.R. Sil, PM and Sri Subhash Ch.
Choudhury APM Aces are forwarded herewith
for onward transmission to the Postmaster
General (Staff) N.E. Circle. Shillong-1.

Sol -
Post Master
H.O. 194001

Encl. - As stated above

Copy forwarded to: -

- ① Sri Anulya Rn Sil P.M. Tura Ho.
for information.
- ② Sri Subhash Ch. Choudhury, APM
Aces Tura Ho. for information.

Attes. ed.

Advocate.

Post of Telegraphs Department.

23/11/64 Postmaster General Assam Circle (11/11/64)

Letter No. A/Z-15/64 dated 11/11/64

Shri Sankar Ch. Choudhury, Temporary Clerk of
Assam DN who was placed in Shillong DN
on bifurcation is hereby reported to
A.A. DN.

The necessary Posting Order will be
issued by the Sr. Supt of POB, A.A. DN
Gauhati.

Sd/- (A.D. Pishroody)

Copy forwarded to:-

1) The Sr. Supt of Assam DN Gauhati for
information with reference to his letter no B/A-4/11/46
dt 8.7.65.

He will kindly intimate the Posting Order
of the official direct to the Supt of POB
Shillong.

2) The Supt of POB Shillong or Shillong for
information with reference to his letter no
B-98 of 30.5.65.

The official may kindly be relieved on
receipt of the Posting Order from the Sr.
Supt of POB Gauhati. The date of
release may please be reported to this
Office in due course.

(T.K. To Chowry)

For PMB

Assam Circle Shillong

-23- ANNEXURE - L. (63) 77
INDIAN POSTS AND TELEGRAPHS DEPARTMENT.
OFFICE OF THE SR. SUPERINTENDENT OF POST OFFICES:
LOWER ASSAM DIVISION : GAUHATI.

MEMO NO.B/A-4/CHIL.

Dated at Gauhati, the 25-7-65.

In pursuance of the Postmaster-General, Shillong memo No. Staff A/Z-15/64 20-7-65 the following orders issued.

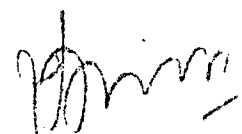
Shri Subhas Chandra Chowdhury lately Temporary clerk Lower Assam Division now T/clerk Shillong Division who has been ordered to be repatriated to this division on being relieved from Shillong Division will join at Gauhati University P.O. as a clerk.

Sd/- T.P. Bora,
Sr. Superintendent of P.Os,
Lower Assam Division, Gauhati.

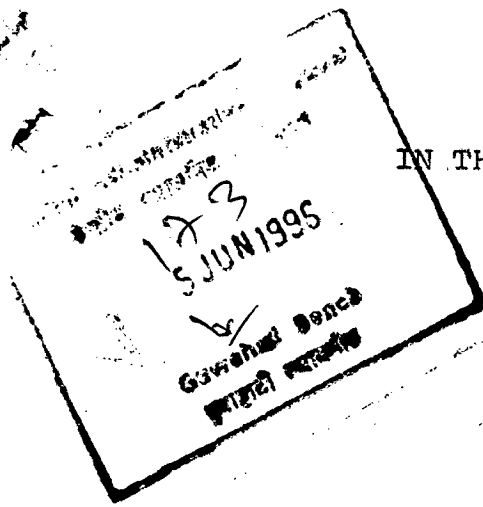
Copy to :-

1. The Superintendent of P.Os, Shillong division to reliver the official at an early date . The personal file ,CR-files and a copy of the gradation list may kindly be sent to this office immediately after his relief .
2. The Postmaster-General, Assam Circle, Shillong.
3. The Postmaster Gauhati.
4. The S.P.M. Gauhati University.




Sr. Superintendent of P.Os,
Lower Assam Division, Gauhati.

Attes.ed.
Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

64
Filed by
H. K. Mahanta
Sri. C. S. C.
5/6/96
78

O.A. No. 1/96

Sri Subash Choudhury

-Vs-

Union of India & Ors.

-And-

In the matter of :

Written statement submitted by
all the respondents.

WRITTEN STATEMENT

I, Shri J.N.Sarmah, presently working as
Asstt. Postmaster General (Vigilance) in the office
of the Chief Postmaster General, Assam Circle Guwahati
do hereby solemnly affirm and declare as follows :

1. That I am the Asstt. Postmaster General (Vigilance)
Assam Circle, Guwahati and I am acquainted with the facts
and circumstances of the case. I have gone through the
copy of the application and have understood contents
thereof. Save and except whatever is specifically
admitted in this written statement, the other contentions
and statements made in the application may be deemed to
have been denied. I am competent and authorised to file
the written statement on behalf of all the respondents.

Contd..P/2

2. That before submitting parawise replies to the original application the respondents deem it fit to give a brief history of the case for proper adjudication of the matter. The brief history of the case is as follows :

BRIEF HISTORY

The Postal Stores Depot was under the control of the Chief Postmaster General, N.E.Circle, Shillong. As per provisions laid down in para 7 (i) and 7(ii) of DG P&T Memo No.35-12/61-M II/Col.II dated 28-7-62, staff of PSD including Higher and Lower Selection Grade except group 'D' officials are manned from nearest postal division on rotational transfer basis. Accordingly Shri Subash Choudhury, the then Asstt.Postmaster(Accounts) Shillong GPO an official of Meghalaya Division was posted as Manager, PSD, Guwahati on 23-11-93. The Postal Stores Depot was brought under the control of the CPMG, Assam Circle since 1-6-94 without any change in the present attachment of the unit vide letter No.Est/24-2/87(44) dated 24-5-94. Consequent on the transfer of PSD it was decided with the N.E.Circle administration that PAs working in PSD from other divisions of N.E.Circle will continue to work here till they can be absorbed and repatriated to their own home circle.

Accordingly order of the repatriation of the staff are being issued in phased manner keeping in view the ability of the N.E. Circle to absorb them. The name of Shri Subash Choudhury is still in the gradation list of N.E. Circle and his next higher promotion case is also under process by N.E. Circle, a letter from AD(PLI) No.Staff/9-3/

95 dated 20.2.96 addressed to Supdt. PSD, Guwahati is annexed for kind perusal of the HOn'ble Tribunal.

Copies of letter dated 28.7.62, 23.11.93, 24.5.94, 2.5.1994 and 20.2.96 are annexed herewith and the same are marked as Annexure R1, R2, R3, R4 and R5 respectively.

3. That with regard to the contents made in paragraphs 1,2 and 3 the respondents have no comments.

4. That with regard to the statements made in paragraphs 4.1, 4.2, 4.3 and 4.4 of the application, the respondents beg to offer no comments as the same being matter of records.

5. That with regard to the statement made in paragraph 4.5 of the application the Respondents beg to state that it is a fact that composite N.E. circle was bifurcated to Assam Circle and N.E. Circle. But the applicant did not exercise any option at the time of bifurcation and no option paper is traceable in respect of Shri Subash Choudhury which was intimated by APMG (Staff), N.E. Circle vide Memo No. Staff/125-1/PSD/93 dated 25.1.96, As no option was exercised by the applicant, he was transferred from APM (Accounts) Tura as APM (Accounts) Shillong. Had he exercised any option for Assam Circle he would have been transferred to Assam Circle instead posting as APM (Accounts) Shillong. Therefore the contention of the applicant made in the application is denied. //

Copy of letter dated 25.1.96 is annexed herewith and the same is marked as Annexure B6.

6. That with regard to the contents made in paragraph 4.6 of the application the respondent beg to state that as a routine nature the applicant was promoted to HSG-II and posted as Manager PSD Guwahati as it is standing order to man the PSD Guwahati from nearest Division. As because in 1993 PSD was under the control of N.E. Circle, Shri Choudhury was ordered as an official of nearest Division of N.E. Circle.
7. That with regard to the contents made in paragraphs 4.7, 4.8 and 4.9 of the application the respondents beg to state that PSD was transferred to Assam Circle with effect from 1.6.94 with its existing establishment post but regarding staff, it was decided to repatriate in the parent circle in a phased manner i.e. the existing staff will work in PSD Assam Circle so long they cannot be accommodated in their parent circle as stated in Annexure R4 above. The transfer of post does not mean automatic absorption of staff of other circle. As PSD is not a direct recruiting unit and it is the responsibility of the nearest division to man the PSD, hence question of permanent absorption does not arise at all. Therefore the contention of the applicant is denied.
8. That with regard to the statement made in paragraph 4.10 of the application the respondents beg to state that the deputation allowance was denied as because the posting was on tenure basis in a routine manner and not outside the field of deployment vide AD(Estt) Memo No. Est/29-7/79/167 dated 29.11.93.

9. That with regard to the statements made in paragraphs 4.11, 4.12, 4.13 and 4.14 of the application the respondents beg to state that the order was issued as because at the time of allotment of Postal Stores Depot from N.E. Circle to Assam Circle it was agreed that staff of N.E. Circle at present working in PSD will be repatriated on completion of tenure or as and when they can be accommodated in N.E. Circle.

~~18x~~ Further, the claim of the applicant that he is a staff of Assam Circle, is not true. His gradation list is still maintained by the N.E. Circle. His case for promotion to Higher Selection Grade is under consideration by the N.E. Circle and his C.R. called for by AD(PLI) O/O the CPMG, N.E. Circle vide order No. Staff/9-3/95 dated 20.2.96, ~~axexpyxxofxxhixkxxxxxxexelxxxxx axxxxxxx~~ Hence repatriation order to N.E. Circle is fully justified.

10. That with regard to the statements made under Caption ground 5.1 to 5.7 of the application the respondents beg to state that in view of the statements made in reply to para 1 to 4.14 of the application in para 1 to 9 of this written statement the applicant's ground is baseless and thus the application is liable to be dismissed.

11. That with regard to the contents made in paragraph 6 of the application, the Respondent beg to state that the applicant did not exhaust all the remedies available before him for redressal of his grievances.

12. That with regard to the contents made in paragraph 7 of the application, the respondents beg to offer no comments. This being the matter of records.

13. That with regard to the contents made in paragraph 8 of the application, the respondents maintain that in view of the fact stated against replies 1 to 7 above of this written statement, the application ~~has~~ no merit and deserves no relief and as such the application is liable to be dismissed.

14. That with regard to the contents made in paragraph 9 of the application, the Respondents beg to state that in view of the fact stated against replies in paragraph 1 to 13 above in this written statement, the applicant is not entitled any interim order.

15. That the respondents beg to state that the stay against the transfer order granted by the Hon'ble Tribunal has put the Department in a great difficulty in manning the PSD by the eligible person available in Assam Circle and in repatriation of the staff of N.E. Circle to their parent circle. The respondents ~~prayed~~ for vacation of the interim stay order granted on 3.1.1996.

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

I, Shri J.N.Sarmah, presently working as Asstt. Postmaster General (Vigilance) in the office of the Chief Postmaster General, Assam Circle, Guwahati as authorised by all the respondents do hereby solemnly affirm and declare that the statements made above are true to my knowledge, ~~and~~ belief and information and I sign this verification on this the 5th day of June 1996 at Guwahati.

gitendra Nath Sarmah.
Declarant

Asstt. Postmaster General (Vig)
Assam Circle, Guwahati-781001

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Subj:- Reorganisation of Postal Stock Depots and
P & T., Forms Stores.

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At present the Postal Stock Depots are attached to the Circle Offices, as far as staff and establishment matters are concerned and are placed in charge of non-gazetted officers designated as Managers. With the expansion of P&T services, the existing set-up of the Postal Stock Depot and the arrangements for procurement, storage and distribution of the articles of postal stores and stationery, printing, storage and distribution of P&T forms and fabrication of uniforms, etc. have been found to be far too inadequate to meet the increased demands. The P&T Forms committee appointment in the year 1957, after a through enquiry into this question recommended, in paras 115 and 117 of their report, the reorganisation of the present Postal Stock Depots including the three P&T forms Stores by establishing 19 Regional Postal Stores Depots as separate units to be placed under the charge of Class II gazetted officers.

2. The Government, while accepting the above recommendation of the P&T Forms Committee, have to begin with, sanctioned six posts of P.S.S. Class II Superintendents for reorganizing the following Postal Stock Depots and P&T Forms Stores on the lines recommended by the P&T Forms Committee:-

Postal Stock Depot Shillong.
Postal Stock Depot Calcutta.
Postal Stock Depot Patna.
Postal Stock Depot Madras.
Postal Stock Depot Tiruchirappalli.
Postal Stock Depot Bombay.
Postal Stock Depot Ahmedabad.
P&T Forms store Calcutta.
P&T Forms Store Nasik.

The Postal Stock Depot Shillong, after reorganisation, will be shifted to Guwahati and branch depot at Gauhati will be amalgamated with the main depot. For this purpose D.P.T. Shillong has already taken necessary accommodation on rent. The Postal Stock Depot Calcutta and the P&T Forms Store Calcutta will be combined together to form a Postal stores Depot at Calcutta as recommended by the P&T Forms Committee. The Postal Stores Depot at Tiruchirappalli for which accommodation has already been acquired, will be opened simultaneously when the reorganisation comes into effect.

3. The reorganised Postal Stock Depots and the P&T Forms Stores will be designated as Postal Stores Depots and each of them will be placed under the charge of a P.S.S. Class II Officer to be designated as Supt. Postal Stores Depot. These Stores Depots will function as separate units independent of the Circle.

Office establishments and will be under the control of the Heads of Circles in which they are situated. The Postal Stock Depots and P.T. Form, taken other than those reorganised as Postal Stores Depots will continue to function in the existing set up until further orders

4. The supply jurisdiction of each of the above stores depots will be as indicated below:-

Name of Postal Stores Depot.	Supply jurisdiction.
Shillong.	Whole of Assam Circle;
Calcutta.	Whole of West Bengal Circle.
Patna.	Whole of Bihar Circle;
Madras.	Madras G.I.O., Madras City North, Madras City South, Chingleput, Dharmapuri, East Tanjore, North Arcot, Salem, south Arcot and Tanjore Postal Division, C.T.Os and D.T.Os and Wireless Offices within the jurisdiction of these Postal Divisions; R.M.S. 'M' Division, Madras Sorting Division, Madras Sorting Division, Madras Foreign Post, Circle Office Madras, R.L.O. Madras, Madras; Telephone District and Telegraph Engg. Divisions in the area.
Tiruchirapalli.	Rest of the Madras Circle.
Nasik.	Nasik, Ahmednagar, Khandesh, Aurangabad, Handed, Poona, Satara, Kolhapur and Sholapur Postal Divisions, Telegraph Engg. Divisions and C.T.Os and D.T.Os within the area of these Postal Divns. R.M.S. 'B' Division.
Bombay.	Rest of Bombay Circle.
Ahmedabad.	Whole of Gujarat Circle.

(i) These depots will make retail distribution within their own jurisdictions of all items of Postal stores, forms and items of stationery. They will also arrange local printing on non-essential forms and essential forms when short supplied from the Govt. presses with the concurrence of and subject to the financial powers delegated to the Heads of Circles.

(ii) The Postal Stores Depot Calcutta, in addition to the retail distribution of forms within its own jurisdiction will also supply essential forms in bulk required by the Stores Depots and Stock depots mentioned below:-

Postal Stores Depot, Gauhati.

Postal Stores Depot, Madras.

Postal Stores Depot, Tiruchirapalli.

Postal Stock Depot, Hyderabad.
 Postal Stock Depot, Vijaynawada.
 Postal Stock Depot, Nagpur.
 Postal Stock Depot, Trivandrum.
 Postal Stock Depot, Bangalore.
 Postal Stock Depot, Cuttack.

(iii) Postal Stores Depots at Calcutta and Nasik will, however, continue to perform their functions of arranging printing of essential forms through the ACI (OI) Calcutta etc. and Government Press Nasik respectively in the same manner as is being done presently at present.

(iv) After the reorganisation, no retail supplies of form should, however, be made by Postal Stores Depot Calcutta to the offices lying in the jurisdiction of other Stores Depots or Stock Depots. The Postal Stores Depots in Stock Depots should make arrangement for retain distribution of forms for telegraphs and P&T offices which were being so long supplied by the P&T Forms Store Calcutta. They will, however, continue to submit their half-yearly indents for essential form in time to the Superintendent, Postal Stores Depot, Calcutta.

(v) As regards Postal Stores Depot, Nasik, all P&T essential forms excepting the envelopes and rotary numbering jobs as particularised at Annexure 'A' will be supplied in bulk to the Postal Stores Depots Bombay and Ahmedabad, by Postal Stores Depot Nasik. The remaining essential forms for the above Postal Stores Depots as also for Postal Stores Depot, Nasik should be obtained, as usual from the Supdt., P&T Forms and Seals Aligarh by placing half year indents. The Postal Stores Depot Patna will continue to obtain its requirements of essential forms in bulk from the Superintendent, P&T Forms and Seals Aligarh for distribution to the office in its jurisdiction. The other Postal Stock Depots will obtain their requirements of essential forms from the Supdt., P&T Forms Stores, Aligarh, as at present. The Supdt., P&T forms and Seals Aligarh will, however, continue to make retail distribution of forms, as usual to the offices in U.P., Punjab and Rajasthan Circles.

(vi) The P&T Forms Stores at Calcutta and Nasik which are now directly under the administrative control of the Directorate will, after reorganisation, be under the administrative jurisdiction of the respective Heads of Circles but as far as the work of printing of essential forms, their supply, storage, introduction and revision of forms and other allied technical matters are concerned these two stores Depots shall continue to be under the control of the Directorate as hitherto, and shall correspond directly with this office.

5. The Postal Stores Depot will be a separate accounting unit. The Superintendent of the Postal Stores Depot will, therefore, have to function as a drawing and disbursing officer in respect of the staff under his control. Funds will be obtained in the same manner as by a Head Record Office. The undischarged amount at the close of the month will be refunded by deduction from the establishment pay-bill for the succeeding month in accordance with para 29 of App. 11 to Financial Handbook,

Vol. I (2nd edition). The Postal Stores Depot will also be given permanent advance of appropriate amount for meeting contingent and other expenditure.

(1) On reorganisation, the existing sanctioned establishment of the Postal Stock Depots will be transferred to the respective Postal Stores Depots. The clerical and supervisory posts so transferred to the Postal Stores Depots will eventually carry Post office scales of pay.

(11) The Forms Committee has recommended posts of 1 H.S.G. clerk, 1 L.S.G. clerk, 1 Accountant, 16 clerks, 5 daffries and 20 Class IV officials for a Postal Stores Depot catering to about 600 indenting units. The Committee has also further suggested that the actual clerical strength of the Postal Stores Depots on reorganisation should be determined in each case on the basis of the standards recommended in the E.S.C. Report. The E.S.C. report relates to the standard for the clerical strength only. As regards daffries and Class IV officials, the standard prescribed by the Forms Committee should be adopted as the reorganised Postal Stores Depots are concerned. The staff in each of the Stores Depot should therefore, be adjusted in accordance with these standards and wherever excess staff is already in existence, the posts should be abolished and in case where further posts are justified in accordance with these standards, they should be created by the Heads of Circles concerned under their own financial powers delegated in this office letter No. 43/1C/60-PE dated 2.6.62. So far as the supervisory posts are concerned, according to recommendation of the Forms Committee, each Stores Depot will have one post in H.S.G. and one post in L.S.G. These posts should therefore be adjusted in the Stores Depots on the above standards. Where a H.S.G. post is not available, a new post should be created and where there are two L.S.G. posts one of them should be upgraded. One post of a Post Office Accountant will also be created in each of the Postal Stores Depot, excepting in the Postal Stores Depots at Calcutta and Nasik where there are already posts of Jr. Accountants in the existing P & T Forms Stores.

(111) The existing posts of Inspectors of P.Os (Forms/Uniforms) carpenters and painters will be retained wherever they have been sanctioned.

(iv) There will be no change in the strength of the Forms Stores Wings of the reorganised Postal Stores Depots at Calcutta and Nasik.

7. (1) The staff of the Postal Stores Depot below the Lower Selection Grade will be borne on the gradation List of a neighbouring Postal Division. The Lower Selection Grade posts will be borne on the Postal Circle Cadre (in the case of stores depots located at Bombay, Calcutta & Madras, in the city cadre). The Higher Selection Grade Posts will be borne on the Postal Circle Cadres. The scales of pay of the officials in the various cadres of the Postal Stores Depot will be the same as those prescribed for these cadres in the Postal Divisions.

(11) At the time of separation of the Postal Stock Depot, mentioned above, from the respective circle offices, the existing staff in these Postal Stock Depots, as also existing staff of the P & T Forms Stores, Calcutta and Nasik whether in the lower division, upper division or selection grade, is allowed to be retained in the Postal Stores Depots on reorganisation. As far as possible the staff already employed in the Postal Stock Depots, in question,

should initially be deputed to the Postal Stores Depots to be formed in case a sufficient number of volunteers do not come up for permanent transfer to the Postal Stores Depots. As and when vacancies occur in the Circle Offices concerned, these officials may be brought back and replaced by official from the neighbouring postal division on whose cadres the staff of the Postal Stores Depot will be borne. Higher and Lower Selection Grade Officials may be similarly replaced from the concerned Postal H.S.G. or L.S.G. cadre at such time as the Head of the Circle concerned considers it to be administratively convenient.

(iii) In the case of Postal Stores Depots situated in places other than the Circle Headquarters, the heads of the Circles should, as far as possible, send only such officials as have permanently opened for the Postal Stores Depot. If, however, a sufficient number of such volunteers are not available, officials of the Circle office who are willing to move out may be temporarily transferred to the Postal Stores Depot and may be brought back later on to the Circle Office.

(iv) If any lower Division Clerk whether working in the Stock Depot or not, desires to be absorbed in the Postal Stores Depot in the unified scale of Rs.110/240 the Head of the Circle may, at his discretion, grant the request. The seniority of the optee in the unified scale will be decided without counting his service in the lower Division clerical cadre as equivalent to service in the scale of Rs.110/240. It is also open to the Heads of Circles to post any official who is at present in the Circle office to the Postal Stores Depot and vice versa, such changes being confined to the officials at present borne on the circle office cadre.

8. The main functions of the Postal Stores Depot will be procurement, storage and supply of articles of store, forms, stamps and seals, uniforms, etc. required for the subordinate offices in its supply jurisdiction. It will as such, within its supply jurisdiction, be responsible for supply of the above items to the indenting offices in retail. In the performance of the above mentioned ~~store~~ functions the Postal Stores Depots will be required to

- (a) assess the annual requirements of all items handled by them;
- (b) take action to procure stores from Government sources in the proscribed manner;
- (c) keep custody of stores and maintain proper accounts separately for each item;
- (d) arrange retail supply after proper scrutiny of indents from offices in their jurisdiction;
- (e) deal with contracts, viz: stencilling of bags, before issue, loading and unloading, conveyance of stores, contract for stitching of uniforms, printing of P&T forms locally, etc.
- (f) effect local purchase of stores after following the proscribed procedure;
- (g) maintain various books and registers as prescribed in Rule 353 of the P&T Manual, Vol

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(h) prepare budget estimates, keep control over expenditure and submit periodical budget returns;

(i) procure paper for local printing and store and maintain accounts thereof;

(j) procure P&T publications for sale and also procure necessary National Plan Certificates and maintain their accounts; and

(k) perform all other functions as are being done at present by the Postal stock Depots.

9. The duties and responsibilities of the Supt., Postal Stores Depot and those of the Circle office in respect of Postal Stores Depot (s) in the circle are detailed in the Annexure 'C' and 'B' respectively.

10. Powers of the Superintendent, Postal Stores Depot.

(a) Administrative Powers: The administrative powers of the Superintendent, postal Stores Depot, are given in Annexure 'B'.

(b) Disciplinary powers: The orders regarding these will be issued separately.

(c) Financial powers:

(d) Residual Financial Powers to Heads of Circles: The Heads of Circles will continue to exercise the existing financial powers even after the formation of the Postal Stores Depots as in the case of the existing Postal Stock Depots in their Circles.

11. Stores Purchase Committee: Since it is not possible to vest the Superintendent, Postal Stores Depots, with full financial powers for local purchase, it has been decided that a Stores Purchase Committee should be constituted to examine each case of local purchase with full powers in this respect which are normally exercised by the Head of Circle. The Committee at the headquarters station of the Circle, will normally comprise a Director, Postal Services; Asstt. Postmaster-General or the Assistant Director Postal Services looking after stores matter and the Supt., Postal Stores Depot. At stations other than Circle headquarters, the two members other than the Supt., Postal Stores Depot, will be nominated by the Head of the Circle from amongst the officers available at that station.

12. The existing rules relating to the Postal Stock Depots as contained in P & T Manual, Volumes II and VIII, and the procedure adopted in the P & T, Forms Stores at Calcutta and Madras will apply mutatis-mutandis to the Postal Stores Depots also after reorganisation.

13. The Head of the Circle or the Director of Postal Services, will inspect the Postal Stores Depot(s) in his Circle once every half-year, viz: for the periods ending 31st March and 30th September, in accordance with the standard questionnaire. In addition to this, the Supt., Postal Stores Depot, will also carry out inspection of his own office once in a year.

14. The Director of Postal Services should, in course of the inspection for the half year ending 30th September, carry out physical verification of all articles

Circle. During the inspection for the half-year ~~ending~~ ending 31st March it should be seen that all orders passed in the course of the previous inspection in that financial year, have been carried out and that the discrepancies noticed during the physical verification have been reconciled. In addition to this, there should be a continuous verification by an independent stock Verifier who should be an Upper Division Clerk attached to the Circle office concerned and specially trained for the purpose. The Stock Verifier should submit his weekly report of Stock verification for further necessary action to the Assistant Director, Postal Services or the Asstt. Postmaster General looking after the work of the Postal Stores Depots.

15. Accommodation for the Postal Stores Depot.

The existing accommodation of the Postal Stock Depots and the P & T. Forms Stores, in question, should be utilised for housing Postal Stores Depots excepting in the case of Coimbatore and Tiruchirappalli for which separate accommodation has already been arranged.

16. This order will be given effect to from 1st September, 1962. A review of the working of the reorganised set up should be made after six months and a detailed report sent to this office.

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Annexure R-2

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DEPARTMENT OF POST

OFFICE OF THE SUPDT. POSTAL STORES DEPOT : GUWAHATI-781 003.

Memo No. SD/BA-11/Ch-III, dt. at Guwahati the 23rd. Nov. 1993.

In pursuance of chief Postmaster General N. E. Circle Shillong memo no Staff/125-1/PSD/93 dt. 12.11.93, the following officials will join this office against the post mentioned against each.

1. Shri Subash Choudhury HSG-11 Accountant Shillong GPO will join as Manager, P.S.D. Guwahati relieving Shri Haijan Ali officiating Manager who will on relief join as Accountant PMS Guwahati vide CO. Shillong memo no staff/125-1/PSD/89 dated 16.7.93 and CO Guwahati memo no. Staff/3-14/92 dated 10.8.93.

2. Shri Suren Chandra Das, PA Arunachal Division will join as Postal Asst. at PSD Guwahati relieving Shri Madhab Chandra Das, Postal Asst. (Guwahati Dvn.) who is to join as LRPA GPO Guwahati vide Sr. Supdt. of PO's Guwahati memo no. B/A-41/Ch.-III-84/c dated 15.6.93.

3. Mrs. Joya Panik, Postal Asst, SBOO Circle office Shillong will join as Postal Asst. at P.S.D. Guwahati against vacant Post.

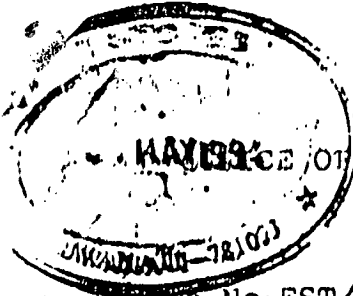
5/11-
(B. B. Choudhury)
Supdt. Postal Stores Depot
Guwahati-781 003.

Copy to:-

1. The Chief Postmaster General N. E. Circle Shillong
2. The Chief Postmaster General Assam Circle Guwahati
3. The D.P.S. Itanagar.
- 4-5. The Sr. Supdt. of Po's Shillong/Guwahati.
- 6-7. The Sr. Postmaster Guwahati/Shillong.
8. The Postmaster Itanagar.
- 9-11. The official concerned.
12. The Accounts Branch P.S.D. Guwahati-3.
- 13-17. P/F of the official concerned.
18. Spare.

[Signature]
Supdt. Postal Stores Depot.
Guwahati-781 003.

(2)



Annexure R-3

~~EXPENDITURE~~

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DEPARTMENT OF POSTS: INDIA:
THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
MEGHDOOT BHAWAN: GUWAHATI-1.

Memo No. EST/24-2/87(44) | Dtd. at Guwahati the 24-05-94.

In pursuance of the approval accorded vide Directorate's No. 33-16/92-PE.II dtd. 25-3-94 the undersigned is directed to convey the approval of the Chief Postmaster-General, Assam Circle, Guwahati for transfer of the Postal-Stores Depot, Guwahati from the administrative control of the Chief Postmaster General, N.E. Circle, Shillong to the administrative control of the Chief Postmaster General, Assam Circle, Guwahati with effect from 01-06-94 without any change in the present attachment of the units. The PSD/Guwahati and the PSD/Silchar will continue supply of forms to the units in both Assam and N.E. Circles as is being done hitherto.

This is in concurrence with the Chief Postmaster General, N.E. Circle, Shillong memo No. Est/24-17/81 dtd. 12-5-94.

6/5/94
17/5

(J.K. Barbhuiya)
A.P.M.G. (Estt),

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

Copy to:-

- 1) The Chief Postmaster General, N.E. Circle, Shillong. He is requested to kindly cause transfer of the Esstt. file of PSD/Guwahati alongwith particulars of existing staff (categorywise) on deputation to PSD/Guwahati to this office early.
- 2) The Director General (PE-II), Department of Posts, Dak-Bhawan, New-Delhi- 110001.
- 3) All Heads of Divns. in Assam and N.E. Circles.
- 4) All R.D.P.S. in N.E. Circle.
- 5) The Supdt., Postal Stores Depot, Guwahati/Silchar.
- 6) The Director of Accounts (Postal), Calcutta-700012.
- 7) The Supdt. N.E. S.D., Guwahati.
- 8) All Head Postmasters in Assam and N.E. Circles.

for Chief Postmaster General,
Assam Circle, Guwahati-781001.

s. M. Iawphniaw,
Director of Postal Services.

Annexure-R-4

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Staff/3-4/92.

May 2, 1994.

Kindly refer to the D.O. letter No. Staff/9-2/88 dated 13.4.94 from Chief PMG, Shillong addressed to Chief PMG, Guwahati regarding transfer of PSD, Guwahati to the control of the Chief PMG, Assam Circle.

As proposed vide above D.O. letter, the Group 'B' officer In-Charge of PSD, Guwahati can be accommodated in this circle on the placement of PSD, Guwahati under this circle.

Regarding the PAs on deputation to PSD, Guwahati from other divisions of N.E. Circle, they will continue to work here till they can be absorbed and repatriated to their own home circle.

Yours sincerely,

Am 2/5

(Ms. M. Iawphniaw)

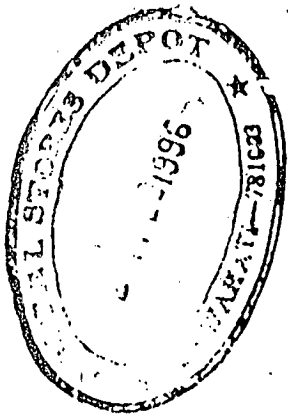
Shri A.N.D. Kaohari,
Director of Postal Services,
office of the Chief PMG,
N.E. Circle,
Shillong-793 001.

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Annexure - R-5

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DEPARTMENT OF POSTS
Office of the Chief Postmaster General, N.E. Circle,
Shillong- 793 001.

To:

- 1) The S.P.Os Agartala
- 2) The S.P.Os Dharmanagar
- 3) The S.P.Os Imphal
- ✓ 4) The S.P. P.S.D., Guwahati.

No. Staff/9-3/95

Dtd Shillong, the 20-2-96

Subj: C.R files of the officials

Kindly send upto-date CR files with Special Reports complete in all respects of the under mentioned officials in connection with selection for promotion to HSG. I Cadre to Shri P.K. Mondal Majumdar, APMG(Staff).

1. Sri D.D. Saha - OC Agartala
2. Sri Pritimoy Adhikari OC Dharmanagar
3. Sri Subhash Ch. Choudhary - OC PSD, Guwahati
4. Sri Bhupal Chakrabarti - OC Dharmanagar
5. Sri Motrajit Singh - OC Imphal
6. Sri Ramesh Kanta Das - SC Dharmanagar
7. Sri Anil Ch. Das - I SC Agartala.

(S. SIKHARIA)
Asstt. Director (PLI)
the Chief Postmaster General
N.E. Circle, Shillong- 793 001

*Supplied =
sent on 1/3/96
by H.S. Post by vide 30/1/96
and 54/1/96 3.1.10*



Approved: _____/Department of _____, _____

Chief Postmaster General,
N.E. Circle, Shillong-793 001.

Shri B.B.Chowdhury,
Supdt P.S.D., Guwahati.

NO.Staff/125-1/PSD/93 Dated at Shillong the
25.1.96.

As required vide your letter No. SD/BA-1/96 dated 18-1-96, the following documents are sent herewith.

182) This Office Memo No. Staff/B-14/91 dated 4-12-92 & 24-2-93.

3) This Office No. Staff/125-1/PSD/93 dated 12-11-93.

4) Option exercised by Shri Chowdhury is not traceable at present and so could not be sent.

5/15

(P.K.Nandi Majumdar)
Postmaster General (Staff)
Deputy Postmaster General,
N.E. Circle, Shillong.

7-4474 (Rev. 11-19-61) (U) SMO-S2 1-1-62, 9-11-61 1/3-1 P. 11 29 S (2) C 10-5-3 P. 11 11-61