

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

ORIGINAL APPLICATION NO. 64/96

MISC. PETITION/COM EMPT PETITION

(C A)

Shri Dilip Debnath

APPLICANT(S)

VS.

Union of India & Ors.

RESPONDENT(S)

M/S B.R.Dey & K.K.Nandi, H.Talukdar & A.K.Choudhury. Advocate for Applicant(s)

Mr. A.K.Choudhury, Addl.C.G.S.C. Advocate for Respondent(s)

OFFICE NOTE	DATE	ORDER
	26.4.96	<p>Learned counsel Mr B.R.Dey moves this application on behalf of the applicant on the unlisted on ground of urgency as the applicant was transferred and his date of release is 30.4.96. Prayer allowed. Learned Addl C.G.S.C Mr A.K.Choudhury is present for the respondents.</p> <p>In this O.A. the applicant has contested the transfer order No.1(7)/SE(E)/95-S/677 dated 29.3.96 transferring him from Agartala to Kohima.</p> <p>Issue notice on the respondents to show cause as to why this application should not be admitted and the reliefs sought for should not be granted. Returnable on 24.5.96.</p> <p>List on 24.5.96 for show cause and consideration of admission.</p> <p>Heard Mr Dey on the interim relief prayer. Issue notice on the respondents to show cause as to why the interim relief sought should not be granted. Returnable on 10.5.96.</p>

OFFICE NOTE

DATE.

ORDER.

26.4.96

List on 10.5.96 for disposal of show cause on interim relief prayer. Pending disposal of the show cause on interim prayer the operation of the transfer order dated 29.3.96 (Annexure II) insofar as it relates to the applicant, Shri Dilip Debnath, is stayed.

Steps within today.

Respondent No.3, Executive Engineer (Electrical), Civil Construction Wing, All India Radio, Guwahati-3 be served by messenger within 30.4.96.

Member

pg

10.5.96

Learned counsel Mr B.R.Dey for the applicant.

Show cause has not been submitted. Learned Addl.C.G.S.C Mr A.K.Choudhury seeks for one week time to submit show cause, and written statement.

List on 17.5.96 for consideration of show cause and admission. The previous date of 24.5.96 stands altered to 17.5.96.

The interim order dated 26.4.96 will continue till disposal of show cause and consideration of admission.

Member

pg

Requisite are sent & issued vide no 889-91 dt 30.4.96

30/4

Requisite copies 3 nos. Submitted today.

For respil

Notice sent on R.no. 3, vide o/c at R.no. 1.

30/4

OFFICE NOTE

DATE

ORDER

17-5-96

Learned counsel Mr. B.R. Dey for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. Mr. Choudhury prays that the matter of the admission be taken on 21-5-96. Allowed. Adjourned for consideration of show cause and admission to 21-5-96.

lm

lm
Member

22-5-96

Mr. B.R. Dey for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. By consent be taken up on 24-5-96.

lm

lm
Member

24.5.96

Mr B.R. Dey for the applicant. Mr A.K. Choudhury, Addl. C.G.S.C for the respondents.

Perused the application and show cause. Heard Mr B.R. Dey for the applicant and Mr Choudhury for the respondents. The applicant has submitted this application against the transfer order No.1(7)/SE(E)/95-S/677 dated 29.3.96 transferring him from Agartala to Kohima. He has also submitted a representation dated 15.4.96 to Superintending Engineer(E), C.C.W., AIR, New Delhi against the transfer order on account of his personal problem and has also requested therein for posting in a place of his choice. This representation has not been disposed of. Mr Dey submits that even, according to the transfer policy which prescribe as 2 years stay in category C place the applicant has not completed the period of 2 years stay in Agartala which falls in category C and therefore the respondents are not justified in

contd...

OFFICE NOTE

DATE

ORDER

17-5-96

Learned counsel Mr. B.R. Dey for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. Mr. Choudhury prays that the matter of the admission be taken on 21-5-96. Allowed. Adjourned for consideration of show cause and admission to 21-5-96.

lm

lm
Member

22-5-96

Mr. B.R. Dey for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. By consent be taken up on 24-5-96.

lm

lm
Member

24.5.96

Mr B.R. Dey for the applicant. Mr A.K. Choudhury, Addl. C.G.S.C for the respondents.

Perused the application and show cause. Heard Mr B.R. Dey for the applicant and Mr Choudhury for the respondents. The applicant has submitted this application against the transfer order No.1(7)/SE(E)/95-S/677 dated 29.3.96 transferring him from Agartala to Kohima. He has also submitted a representation dated 15.4.96 to Superintending Engineer(E), C.C.W., AIR, New Delhi against the transfer order on account of his personal problem and has also requested therein for posting in a place of his choice. This representation has not been disposed of. Mr Dey submits that even, according to the transfer policy which prescribe as 2 years stay in category C place the applicant has not completed the period of 2 years stay in Agartala which falls in category C and therefore the respondents are not justified in

contd...

17-5-96

W/S filed by
Mr. A.K. Choudhury,
Addl. C.G.S.C on behalf
of Mr. R. No. 1, 2 & 3

ORDER

OFFICE NOTE

E.T.E

ORDER

24.5.96

transferring the applicant before completion of two years in Agartala and therefore the transfer order is illegal. However, this contention of Mr Dey needs not be considered at present. The application is disposed of with a direction to the respondent No.2, the Superintending Engineer(E), C.W.C., AIR, New Delhi to dispose of the representation dated 15.4.96 submitted by the applicant expeditiously and on merit.

The respondents are directed not to implement the transfer order dated 29.3.96 insofar as it relates to the applicant till disposal of the representation.

The application is disposed of with the above direction. No order as to costs.

[Signature]
Member

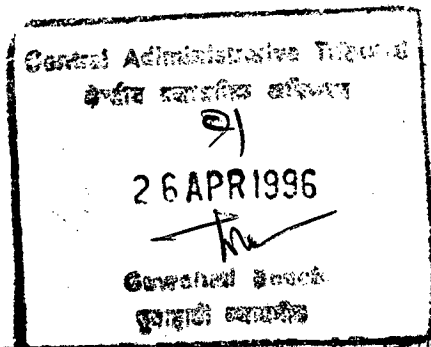
pg

[Signature]

12/7

Copy of order
issued to the
parties vide
D.No. 2142 to
2146 D. 16.7.96

[Signature]



Filed by
A. M. Chowdhury
Advocate
26-4-96.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI

ORIGINAL APPLICATION NO. 64 OF 1996

Sri Dilip Debnath

....Applicant

-Vs-

Union of India and others

....Respondents.

I N D E X

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Dilip Debnath
Signature of the Applicant.

filed by
A-K. Choudhury
Attrolake
26-4-96.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

ORIGINAL APPLICATION NO. 84 OF 1996

Sri Dilip Debnath,
son of Sri Anil Debnath, resident of
Purba Noagaon, P.O.-RanirBazar P.S.-
Jirania, District-West Tripura Pin-
799 035, at present working as Junior
Engineer(Electrical) in the Department
of Civil Construction wing All India
Radio, Agartala P.O.-T.V. Tower, A.D.
Nagar, Arartala-3.

.....Applicant

-VERSUS-

1. Union of India represented by the
Secretary, Ministry of information
and Broad Casting, Government of
India, New Delhi.
2. The Superintendent Engineer(Electri-
cal) Civil Construction wing All
INDIA RADIO, (Govt. of India 5th
Floor, Sookhana bhawan G.G.O. Complex,
New Delhi-110 003.
3. The Executive Engineer,
(Electrical) Civil Construction Wing,

contd....p/2

= 2 =

ALL INDIA RADIO, Chandmari,
Rajgarh Road, Guwahati-3.

.....Respondents.

DETAILS OF APPLICATION:

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

The application is made against the transfer order No.-1(7)/SE(E)/95-5/677 dated-29-3-96, issued by the Respondent No.-2 whereby the applicant along with thirty Eight others have been transferred and the applicants serial no is 25 and he has been transferred from Agartala to Kohima with a farther direction that the applicant shall move first and the order should be complied by 30-4-96.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

3. LIMITATION :

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act., 1985.

4. FACTS OF THE CASE :

4.(a) That the applicant is a B.E.(Electrical) and he

contd...p/3

↑

= 3 =

was appointed as Junior Engineer (Electrical) by order dated-8-4-88 and he Joined on 26-4-88 in Bhawani Patna Orissa and Subsequently the applicant service was regularised.

4.(b). That the applicant was transferred from Bhawani Patna to Belonia under the then Agartala Sub-Division vide order dated-26/29 March 1993, passed by the Respondent No.-2 and the applicant Joined Belonia after release from B.H. Patna on 7-9-93.

✓ 4.(c). That thereafter the applicant was again transferred from Belonia to Agartala on request by order of the Respondent No.-2 dated-17-5-94 and applicant Joined at Agartala on 1-7-94 which is home town where he is to look after to old father and mother .

✓ 4.(d) That thereafter the applicant was again transferred from Agartala to Depo by order of the Respondent No.-2 dated-27-5-95 but on representation on family ground said transfer order was cancelled by order No. 1(7)/SE(E)/95-5/2594 dated-16-9-95.

DIPHU

Copy of the said order dated-16-9-95 is annexed herewith and marked as Annexure-I.

4.(e) That the applicant state that the Election Commission announced General Election to the Lokshaba and

contd.....p/4

A

= 4 =

Assembly in of various states including Tripura to be held from 27th April to 21~~st~~st May 1996. Thereafter Election Commission Prohibited any transfer and ^{on 0.3.96} ~~requirement~~ ^{in requirement} etc. which is known to all.

4.(f). That the Respondent No.-2 vide order No.-1(7)/SE(E)/95-S/677 dated-29-3-96 transferred the applicant alongwith thirty eight others and the applicant serial No. is 25 in the transfer order and he was directed to report to Kohima in (Nagaland) and directed to complied with the said order by 30-4-96.

Copy of the said order is annexed
hereto and marked as Annexure-II.

4.(g). That the applicant states that he served at Bhavani Patna Orissa for about Five year and Three months and was transferred to Belonia in July, 1993 and on family ground he was transferred to his present Place of posting at Agartala in July, 1994 and he has not yet completed 3 years of service.

4.(h). That the applicant states that he received the aforesaid transfer order on 11-4-96 and made a Tele-graphic representation to the Respondent No.-2 Urging upon him to allow him to continue at Agartala on family ground by representation/appeal dated-15-4-96 but the applicant has not heard any thing about the fate of

contd...p/5

representation/appeal.

Copy of the said representation/
appeal is annexed hereto and
marked as Annexure-III.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.(A) For that the applicant not having completed even 2 years of service at Agartala, such transfer is against Government policy.

5.(B). For that after notification of General Election by the Election Commission of India any transfer in violation of guide line of the Election Commission's illegal.

5.(C). For that after Election Notification when transfers are Prohibited the impugned order of transfer can not be held to be in the public interest.

5.(D). For that frequent transfer is also against the economic policy of the Government.

6. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant declares that he made representation dated-15-4-96 (vide Annexure-III) but has not heard anything from the Respondent NO.-2 uptill now and as the deadline is 30-4-96 to Complied with the transfer order (Annexure-II). There is no other alternative but to

contd...p/6

1. Statutory Rules -
2. Malafides -
Any violation?

filed this application under section 19 of the Administrative Tribunal Act, 1985.

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

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court, or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

That in-view of the facts and Circumstances mentioned in paragraphs 4 and 5 above the applicant prays that the relevant records called for and the Respondents may kindly be directed to show cause as to why the reliefs sought for in this application should not be granted and perusal of the records and after hearing of the parties on the cause or causes shown, he pleads to grant the following relief :-

8(i) To set-aside the order of transfer issued vide order No.1(7)/SE(E)/95-S/677 dated-29-3-96 (Annexure-II) so far the applicant is Concerned.

9. INTERIM ORDER, PRAYED FOR :

Pending final decision of the application, the

contd...p/7

applicant prays that transfer order dated-29-3-96 (Annexure-II) may kindly be stayed otherwise failing ~~which~~ the applicant will suffer irreparable loss and injury as he is to look after his old father and mother at Agartala.

10.
The applicant is filed through Advocate.

11. PARTICULARS OF I.P.O.

I.P.O. No. 809 345778 dated 25-4-96 payable at Guwahati Head post office for Rs. 50/-.

12. LIST OF ENCLOSERS :

As stated in the Index.

= 8 =

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

I, Dilip Debnath son of Sri Anil Debnath aged about, 32 years, working as Junior Engineer(Electrical) in the office of the ALL INDIA RADIO, Civil Construction wing at Agartala, resident of Purba Noagaon, P.O.-Rawir-Bazar, P.S.-Jirania, District-West-Tripura, Pin-799 035 do hereby verify that the contents of paragraphs 1 to 4, and 6 to 12 are true to my knowledge and those made in paragraph 5 are my humble submissions before this Hon'ble Tribunal and that I have not Superessed any material fact.

~ Dilip Debnath

Signature of the Applicant

Dated-26-4-96

Place Guwahati.

RECEIVED
No. 118
26/9
OFFICE OF THE SUPERINTENDING ENGINEER (E)
AGARTALA

Annexure I

8-5

GOVERNMENT OF INDIA

Office of the Superintending Engineer (E)

Civil Construction Wing, All India Radio

5th floor, Sookna Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110003.

No.: 1(7)/SE(E)/95-S/2594

Dated: 16/9/95

OFFICE ORDER

The transfer order of Sh. D. Debnath, JE(E) Agartala issued vide this office order No.: 1(7)/SE(E)/95-S/1432, dt. 27.5.95, is hereby cancelled.

Issued with the approval of Superintending Engineer(E),
CCW, AIR, N. Delhi.

pmg/14-9-95

(RAJINDER SINGH)

EA to Superintending Engineer(Elect)
for Superintending Engineer(Elect)

Sh. D. Debnath,
JE(E),
Agartala.

Copy to:

1. The SSW(E), CCW, AIR, Sookna Bhawan, N. Delhi in response to your office letter No.: SSW(E)/1017/3465, dt. 4.9.95.
2. The EE(E), CCW, AIR, Guwahati for necessary action please with the instruction to adjust Sh. S. Barua, JE(E) within your jurisdiction at your end.
3. The AE(E), CCW, AIR, Guwahati.
4. Sh. B. Barua, JE(E), CCW, AIR, Silchar.

26/9/95
F (3)

Attested
M.M.
Guwahati
26/9/95

Annexure - II

90-
4

Government of India
Office of The Superintending Engineer (Elect.)
Civil Construction Wing : All India Radio
5th Floor, Sochna Bhawan, C.G.S. Complex,
New Delhi-110007.

No. 1(7)/SE(E)/95-S/ 137

Dated: 29/8/96

ORDER

Transfer/Posting of the Following Junior Engineer (Elect.), are hereby ordered, in the same capacity to the places mentioned against their names in Public Interest with immediate effect.

Sl. No.	Name	Present Posting	Transferred to	Remarks
1.	Sh. Ravinder Singh	Akashwani Bhawan, Sub-Div., Delhi	Leh	In partial modification to order date 10-09-93 vice Sh. Dharmendra Kumar transferred.
2.	Sh. S.S. Kaushal	Jaipur	SSW(E), Delhi	Vice Sh. Om Prakash Transferred.
3.	Sh. Om Prakash	SSW(E), Delhi	Srinagar	Vice Sh. V.K. Latiyan transferred.
4.	Sh. V.K. Latiyan	Srinagar	SSW(E), Delhi	Vice Sh. Shiv Prasad Transferred.
5.	Sh. Shiv Prasad	SSW(E), Delhi	Srinagar	Vice Sh. Shrawan Kumar Transferred.
6.	Sh. Shrawan Kumar	Srinagar	EE(E), Div.-I Delhi	Vice Sh. S.K. Gupta Transferred.
7.	Sh. S.K. Khandelwal	SSW(E), Delhi	Jaipur	Vice Sh. S.S. Agarwal Transferred.
8.	Sh. S.S. Agarwal	Jaipur	SSW(E), Delhi	Vice Sh. S.K. Khandelwal Transferred.
9.	Sh. Dharmender Kumar	Leh	SSW(E), Delhi	Vice Sh. J.K. Sabharwal Transferred.
10.	Sh. A.K. Tripathi	Sochna Bhawan, Sub-Div., Delhi	Bareilly	Vice Sh. Abdul Mohit Transferred.
11.	Sh. R.K. Mathur	Elect. Circle Office Delhi	Sochna Bhawan, Sub-Div., Delhi	Vice Sh. A.K. Tripathi Transferred.
12.	Abdul Mohit	Bareilly	Sirifort, Delhi	Vice Sh. Vinod Kumar Transferred.
13.	Sh. Vinod Kumar	Sirifort, Delhi	Chandigarh	Vice Sh. J.K. Oberoi Transferred.
14.	Sh. S.K. Gupta	EE(E), Div.-I Delhi	Jaipur	Vice Sh. S.S. Kaushal Transferred.

Abhishek
MM

17-11-

15.	Sh. K.B. Vaid	Soochna Bhawan Sub-Div., Delhi	I.P. Estate, Delhi	Vice Sh. Rajpal Singh Transferred.
16.	Sh. Rajpal Singh	I.P. Estate, Delhi	Ravindra Rangshalla Delhi	Vice Sh. Yogender Transferred.
17.	Sh. Sadhu Ram	Mandi House Ph-II Delhi	Akashwani Bhawan Sub-Div., Delhi	Vice Sh. V.S. Kundlas Transferred.
18.	Sh. V.S. Kundlas	Akashwani Bhawan Sub-Div., Delhi	Aya Nagar, Delhi	Vice Sh. Harender Singh Transferred.
19.	Sh. Harender Singh	Aya Nagar, Delhi	Elect. Circle Office Delhi	Vice Sh. R.K. Mathur Transferred.
20.	Sh. J.K. Oberoi	Chandigarh	Mandi House Ph-II Delhi	Vice Sh. Sadhu Ram Transferred.
21.	Sh. S.B.S. Saini	Elect. Circle Office	HPT Goraya, Jalandhar	Vice Sh. Harjeet Singh Transferred.
22.	Sh. Harjeet Singh	Jalandhar	Dhubri	Existing Vacancy.
23.	Sh. Neelotpal Dey	Itanagar	Guwahati	Vice Sh. B. Bishwas Transferred.
24.	Sh. B. Bishwas	Guwahati	Shanti Niketan	Existing Vacancy
25.	Sh. D. Debnath	Agartala	Kohima	Vice Sh. P. Paul Transferred.
26.	Sh. Pradeep Paul	Kohima	Agartala	Vice Sh. D. Debnath Transferred.
27.	Sh. P.B. Das	Shilong	Itanagar	Vice Sh. Nilotpal Day Transferred.
28.	Sh. Samar Roy	Calcutta	Gangtok	Vice Sh. Jaydeep Das Transferred.
29.	Sh. Jaydeep Das	Gangtok	Calcutta	Vice Sh. Samar Roy Transferred.
30.	Sh. S.K. Haldhar	Calcutta	Shilong	Vice Sh. P.B. Das Transferred.
31.	Sh. Yogender	Ravinder Rangshalla, Delhi	Akashwani Bhawan Sub-Div., Delhi	Vice Sh. Ravinder Singh Transferred.
32.	Sh. J.K. Sabharwal	SSW(E), Delhi	Soochna Bhawan Sub-Div., Delhi	Vice Sh. K.B. Vaid Transferred.
33.	Sh. K.C. Deka	Guwahati Division (Planning)	Guwahati Sub-Division	Vice Sh. T. Chakraborty Transferred.
34.	Sh. T. Chakraborty	Guwahati Division	Guwahati Division (Planning)	Vice Sh. K.C. Deka Transferred.
35.	Sh. V.N. Singh	Patna Division (Planning)	Patna Division (Planning)	Vice Sh. A.K. Arya Transferred.

Atul
MM

36.	Sh. A.K. Arya	Patna Division (Planning)	Bhawanipur	Existing Vacancy.
37.	Sh. H.P. Hazara	Bhubneshwar	Bhubneshwar	Existing Vacancy
38.	Sh. Bharat Lal	Varanasi	Inphal	Existing Vacancy
39.	Sh. A.K. Katiyar	Mau	Varanasi	Vice Sh. Bharat Lal Transferred.

The officials in Sl.No.-1, 3, 5, 7, 13, 21, 25, 29, 30, 33, 35, 37, 38 & 39 will move first after handing over their charge to their counterpart stationed in the same place. These orders should be strictly complied by 30-04-96 after that their LPO may be issued and treated as relieved. Person at Sl.No.-27 will be relieved after handing over the STI Bhubneshwar work. The candidates at Sl. No.-4, 6, 9 will be relieved after physical completion of their one year tenure.

Issued with the approval of SE(E)/SSW(E), COW, All India Radio, Delhi.

Pray
29-396
(RAJINDER SINGH)

EA to Superintending Engineer (Elect.)
for Superintending Engineer (Electrical)

Copy to:-

- 1) CE(O)-I/II, COW, AIR, Delhi.
- 2) SSW(E), COW, AIR, 4th Floor, Lok Nayak Bhawan, New Delhi-110007
- 3) SE(E), COW, AIR, Nagpur.
- 4) EE(E), COW, AIR, Div.-I/II Delhi/EE(E) HQ-I/II Delhi/Chandigarh/Delhi/Calcutta/Buwahat.
- 5) SWE, O/c SE(E), COW, AIR, Delhi.
- 6) AE(E), COW, AIR, A.V. Bhawan/Conifer/Soochna Bhawan/Kandi House Pt-I/II/Kingawa/ Camp Delhi/Srinagar/Jammu/Chandigarh/Shimla/Coipur/Lucknow/Patna/Gilcher/Siliguri/Shillong/Buwahati/Bhubneshwar/Benthaipur/Calcutta-I/II.
- 7) All ASWE, O/c SE(E), COW, AIR, Delhi.
- 8) EA to SE(E), COW, AIR, Delhi.
- 9) Personal files of person concerned.
- 10) " " (u/s).

Attesting
MM
Advocate
26/4/96

for Superintending Engineer (Electrical)

IN LIEU OF TELEGRAMME FORM

STATE

EXPRESS

SELECTION
SOOCHNA BHAWAN
NEW DELHI

CONSIDER ME AGARTALA HOME TOWN FOUR YEARS TENURE AS I SERVED FIVE PLUS YEARS AT DIFFICULT STATION BH'PATNA (KALAHANDI) THEN 11 MONTHS AT REMOTE STATION BELONIA AND PREVENT TOTAL FAMILY COLLAPSING REPEAT PREVENT FAMILY PARALISATION (.) OR KINDLY CONSIDER ME SILCHAR/SHILLONG (.) KINDLY INTIMATE EARLIER (.)

D. DEBNATH
JE (ELECT)
AGARTALA.

(NOT TO BE TELEGRAPHED)

D. DEBNATH, JE(E).

GOVERNMENT OF INDIA
OFFICE OF THE SECTIONAL OFFICER (ELECTRICAL)
C.C.W., A. I. R., AGARTALA.

NO.80(E)/AGT/96-97/3/ 230

Dated, the 15th April, 1996.

Post copy forwarded for information through proper channel to

The Superintending Engineer(E),
C.C.W., AIR, New Delhi,

Respected Sir, Related to the transfer order NO.1(7)/SE(E)/95-9/677 dt. 29-3-96 I am ^{drawing} your kind attention for sympathetic consideration as well as to save our family from definite paralisation please.

Sir, authority might have well known to the fact, inspite of I am reiterating that I got frist appt. and joined as J.E.(E), at Bhawani Patna (Kalahandi) then difficult station) on 26-4-88 and served upto five plus years. And getting transfer I did joined at Belonia (Another remote station) on Aug'93. Fortunately serving after eleven months I got another transfer order where higher authority consider me at home town Agartala and joined on 1-7-94. Again, it is very unlucky to say that after serving 10 months at home town Agartala I got another cursed transfer order dt. 27-5-95 where place of posting consider, was at Diphu (ASSAM).

Contd....P/2.

Considering my representation related my hard family- survival of competent authority has cancelled that ~~my~~ said order vide office order dt. 16-9-95 for which whole of family was grateful and so obliged. Again within 6 months of cancellation order as above (Serving less than 2 years at home town) I have again been transferred to another remote station Kohima, Nagaland vide recent order NO. 1(7)/SE(E)/95-S/677 dt. 29-3-96 which is very unfortunate, ill-fated on me as well as hard-survived family counter part.

In continuation to the above I am expressing few lines related to my family concern that it might have well known to the authority, my-self being ^{an} elder son, only earning source of hard survived, handicapped family having ailing parents ; unfortunately unable to manage yet for two marriageable un-married sisters for their well life-lines which not only compelling me to sustain the acute family problem but also make me mentally very imbalance *always*.

Thus, considering the above I may kindly be allow to continue Agartala atleast home town tennure 4 years which will prevent possible collapsing/ paralasation of our family please.

In addition to above to cease the ^{definite} destruction of our hard-survived family competent authority may consider the ^{self} option and only option of posting as below positivevely in place of Kohima so that I may be able to communicate easily within short duration of home town journey to over come the possible all family burden as well please.

IX Option AS.

1. Silchar.

2. Shillong.

Your symphetical order/communication in this regard is highly solicited.

Yours faithfully,

(Signature)

(D. DEBNATH)
JE(E), CCW, AIR,
AGARTALA

Attested
M.M.
Advocate
26/4/98

128
17 MAY 1996
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.

21
Filed by:-
A. K. Choudhury
Addl. C. J. S.C.
17.5.96

IN the matter of :-
O.A No. 64 of 1996
Shri Dilip Debnath
..... Applicant
- Vs -
Union of India & others
..... Respondents.

Written statement/show Cause for and on behalf of
Respondent No. 1, 2 and 3.

I, Satish Chandra, Executive- Engineer(Elect.),
Civil Construction Wing, All India Radio, Guwahati-3
do hereby solemnly affirm and say as follows :

- 1) That I am the Executive Engineer(Elect.), Civil Construction Wing, All India Radio, Guwahati and Respondent No. 3 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement/show cause, 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 respondents No. 1 and 2 also.
- 2) That the statement made paragraph 4(a) and 4(b) of the application are admitted.
- 3) That with reference to paragraph 4(c) of the application, I beg to state that the applicant was transferred to Agartala at his own request. Department had only transferred the individual from Bhawani Patna to Beonia, in public interest. The Applicant's transfer from Belonia to Agartala can not be considered as routine transfer as the same was made against applicant's request on sympathetic grounds.
- 4) That ~~the statement~~ with reference to paragraph 4(d) of the application, I beg to state that the applicant was transferred from Agartala to Diphu vide order dated 27-5-95 in public interest this being the second routine transfer. This ~~is~~ also did not materialise as the applicant again submitted his representation for non-implementation of transfer orders through political approach.

Copy received
on Mr. B.R. Day
Advocate
AK Choudhury
17/5/96

5) That with reference to paragraph 4(e) of the application, I beg to state that the transfer was purely in public interest.

6) That the statement made in paragraph 4(f) are correct.

7) That with reference to paragraph 4(g) of the application, I beg to state that the applicant was transferred at Agartala on sympathetic grounds keeping, in view his personal grievences hence the time bound transfer policy is not applicable. No period of stay at Agartala was committed in the orders dated 17.5.94 as the transfer was on personnel grounds. However as per transfer policy, the tenure at Agartala is only 2 years and not three years as claimed by applicant.

8) That with reference to paragraph 4(h) of the application, I beg to state that the applicant submitted representation after issue of orders dated 29.3.96 for cancellation of his orders.

9) That with reference to paragraph 5(A) of the application, I beg to state that transfer at Agartala was on personal representation of applicant hence time bound transfer policy not applicable.

10) That with reference to paragraph 5(B) of the application I beg to state that the transfer of a technical staff is in public interest and his services are not even remotely connected with the election processes in any way.

11) That with reference to paragraph 5(B) of the application, I beg to state that the transfer was purely in public interest.

12) That with reference to paragraph 5(D) of the application, I beg to state that the said transfer can not be considered on frequent transfer as this being the only second transfer of applicant, if materialised. Otherwise the other transfer were either on request or did not materialise.

13) That with reference to paragraph 8 of the application, I beg to state that the orders are in public interest and issued keeping in view the necessity of employee in public services hence can ^{not} be sent aside. As per the CCS Rules, the applicant is bound to be transferred any where in India as per the requirement of services. Hence the applicant may be directed to proceed on transfer to his new place of posting, keeping the exigency of services & second transfer

17.5.94 ✓
1.7.94 ✓
29.3.96

in public interest since his joining the deptt. in 4/1988.

The applicant is serving in his home state and habitual for representing against each and every transfer orders. Further the transfer of technical person is based upon the necessity of works hence the prayer of the applicant may be dismissed.

14) That in view of the facts stated above the Hon'ble Tribunal may be pleased to vacate the interim order of stay.

15) That the applicant's request for transfer to Silchar or Shillong clearly goes to show that he is willing to be transferred to a place of his choige. I beg to state this is not administratively possible.

16) That the applicant is not entittled to any relief sought for in the application and the same is liable to be dissmised with costs.

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

I, Satish Chandra, Executive Engineer(Elect.), Civil Construction Wing, All India Radio, Guwahati, do hereby declare that the statements made in this written stateemtn/show cause are true to my knowledge derived from the records of the case.

I sign this verification on this 14th day of May, 1996 at Guwahati.

DEPONENT

S. Chandra
14/5/96

Executive Engineer (Elect)
C.C.W. A.I.R. Guwahati

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Government of India
Office of the Sectional Officer(E),
Civil Construction Wing, A.I.R.
BELONIA

ADVANCE COPY *W*

Annexure A

NO. SO(E)/BLN/94-95/4/05

Dated, Belonia
The 15th April '94

To
The Superintending Engineer(E),
Civil Construction Wing,
All India Radio,
New Delhi.

(THROUGH PROPER CHANNEL)

Sub:- Representation of Self.

Ref:- New Delhi Order No. 22013/1/93-CU-I
dt. 15th December '93.

Respected Sir,

In consequence to the above Office Order shifting of existing Agartala Electrical Sub-Division to Calcutta Electrical Sub-Division and the day to day looking after of same Agartala Electrical Counter part will be from K Silcher Electrical Sub-Division which will tentatively cause the curtailment of existing electrical sections under Agartala Electrical Sub-Division for the various project running under this. To avail /entertain the possible free chance to stay at home town Agartala I am hereby represent myself for transfer from Belonia Electrical Section to probable Agartala Electrical Section without claiming any TTA and other allowances in this connection as well as per self interest. Your sympathetic consideration in this regard will be solicited.

Further I am hereby giving few lines for your kind information and consideration please. Sir, earlier I posted at Bhevanipeta (difficult station) of Kalahandi, Orissa State on April '88 and served there up to July '93. After long run, given after several representation for Agartala and lastly I got transfer at Belonia (Tripura) and joined on August '93. In this regard I am expressing few lines for your kind information that I am the elder son and only earning source of our family and accordingly I have been compelling to sustain extra burden since long back as ailing parents and school going youngsters are depending upon me.

Hence, as the Agartala Electrical Sub-Division is going shifted and the Electrical counter part will work under by Silcher Electrical Sub-Division, my case of transfer from Belonia to Agartala (foregoing TTA) & others) may consider by your gracious order so that Undersigned could receive within the home state and so oblige.

Yours Faithfully,

(Signature)

(Dilip Debnatha)
Sectional Officer(E),
AIR, CCW, Belonia

SA
24/4

Attected
AK Choudhary
Asstt. C of SC

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Annexure B'

3139/18/95
DEPARTED

22 JUL 1995

Dear Shri Nag,

I am in receipt of your letter dated 4th July, 1995 regarding cancellation of transfer of Shri Dilip Debnath, Junior Engineer (Elect.), CCW, AIR, Agartala to Diphu, Assam.

With regards,

Yours sincerely,

(K.P. SINGH DEO)

Shri Dipak Nag, MLA
President
Tripura Pradesh Youth
Congress (I)
Congress Bhavan
AGARTALA.

Copy to JCB hai
24/7

DO (B)

Attested
A.K. Choudhary

22/25/18/95
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