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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 81/96.....

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

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

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SECTION OFFICER (Judl.)

81/96
RA No. (DA)
No. (DA)
No. (DA)

L. L. C. Manna

APPLICANT(S)

VERSUS

UO 9 & ors.

RESPONDENT(S)

In person Advocate for the applicant.

Mr. S. Ali, Sachin Advocate for the Respondents.

Office Notes 27 Court's Orders

This application is in
form and within time
C. F. of Rs. 50/-
Deposited vide
NO/25 No. 346/06
Dated 22-5-96

Ref
27/5
By Registrar

Applicant - will appear
in person.

20/5/96

30.5.96

None for the applicant. Learned
Sr. C.G.S.C., Mr S. Ali is present for
the respondents.

The application is dismissed
for default.

Member(A)

Member(B)

nkm

30.5.96

Later on the applicant appeared
in person and requests for hearing
him for admission. Learned Sr.C.G.S.C.
Mr S.Ali has no objection. The
prayer of the applicant to be heard
for admission is allowed and the
above order stands cancelled.

Heard the applicant for admission.
The application is stated to be
not against any particular order
but the relief sought is for treating
the transfer from Dispur to Patna
as cancelled. Therefore, in fact,
the applicant is challenging the
transfer order No.A.15014/1/Admn.II
dated 8.5.96 (Annexure-I). The
claim of the applicant in the
application is that he should be

contd...

30.5.96

posted at Calcutta as opted by him in his representation dated 11.12.95 as he has served in the North Eastern Region for a considerable long time. According to the scheme of incentives provided to the Central Govt. employees who are posted from places outside N.E. Region to the North Eastern Region an employee cannot claim a posting in any place of his choice as a matter of right but he can only be considered for any of the places of his choice and it is upto the competent authorities concerned to accommodate an employee to one of his places of choice if found possible. As such, the applicant has got no legal right to claim for his posting in Calcutta. Therefore we consider that there is no case for scrutiny and decision in this application. The application is therefore not entertainable and it is disposed of.

However, the applicant has submitted a number of representations to the respondents, particularly representation dated 17.5.96, Annexure-8 to this application. The respondents are directed to dispose of the representations expeditiously preferably within a period of 15 days from the date of receipt of copy of this order. Further, the respondents are directed not to relieve the applicant pursuant to the order dated 8.5.96 till disposal of his representations as annexed to this order.

Copy of the order may be furnished to both the parties.

5-6-96

Copy of order issued
to the all concerned
respondents.

Bur

Member (A)

Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985).

Title of the Case : OA 81/96
Shri L.C. Manna : Applicant
VERSUS
Union of India and others : Respondents.

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FOR USE IN THE TRIBUNAL OFFICE

DATE OF FILING 27-5-96

REGISTRATION NO. 81/96

REGISTRAR.

27/5

IN THE ADMINISTRATIVE TRIBUNAL GAUHATI BENCH

(OA 8 / of 1996)

BETWEEN

L.C. MANNA

Working as an wireless Supervisor in the Inter State Police Wireless Station Dispur APRO Building Dispur-6.

AND

1. Union of India : Represented by the Ministry of Home Affairs Govt. of India New Delhi.
2. The Director Police Telecommunication (Police Wireless) Director of Co-ordination.
Block 9 CGO Complex Lodi Road New Delhi-3.
3. Joint Director, Directorate of Co-ordination Police Wireless Block -9, CGO Complex Lodi Road New Delhi-3.
4. Deputy Director (Administration)
Directorate of Co-ordination (Police Wireless)
Block 9 CGO Complex, Lodi Road, New Delhi-3.
5. Assistant Director (Communication)
Directorate of Co-ordination (Police Wireless)
Block-9, CGO Complex Lodi Road, New Delhi-3.
6. Extra Assistant Director/Zonal Officer Cum Station In-charge Inter State Police Wireless Station Dispur, APRO Building Dispur-6.

RESPONDENTS

DETAILS OF APPLICATIONS

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

The letter No. A 15014/1/96- Admn II Office order Part II No. 72/96 dtd. 8-5-96.

The intent application is directed not against any particular order, but is preferred making a grievances against the apathy shown by the respondents in respect of the benefit

admissible to the applicant under Rules the application is also directed against the apathy shown by the respondent is not granting required post fact to approval entiling the applicant the benefit admissible to the applicant.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declare that the subject matter of the instant application within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declare that the application is filed within the limitation period prescribed under the Section of the Administration Tribunal Act. 1985.

4. GROUND OF THE CASE :

4.1 After completion of training I had joined in the service at Head Quarters New Delhi on 10th Oct'1976

4.2 After stay of only 3 months. I came on transfer from Delhi to Calcutta vide No. (Office order 632/76 dtd. 22nd December 1976. I had stayed Calcutta only 2 years 4 months approximately.

4.3 From Calcutta I came on transfer to Agartala vide order No. A15014/1/79 - Admn Office order Part II No. 99/79 dtd. 24th April 1979. ~~Ist~~ I stayed Agartala for 3 years.

4.4 From Agartala I came on transfer to Bhopal vide order No. A 15014/1/82 - Admn Office order 192/82 dtd. 30th July 1982 I stayed Bhopal about 2 years 2 months (including 6 months training at Delhi in the strength of Bhopal staff)

4.5 From Bhopal I came on transfer to Patna vide order No. A15014/1/84- Admn office order 3rd March 1984. I stayed at Patna nearly 4 1/2 years.

Q and
24-5-96

4.6 From Patna I came on transfer to Gangtok vide order No. A 15014/1/89 - Admn II Office order Part II No. 55/89 dtd. 15th March 1989. Ø I stayed Gangtok 2 years.

4.7 From Gangtok I came on transfer at Dispur vide order No. A 12012/14/92 - Admn II office order Part II No. 253/92 dtd. 14th Dec'92.

4.8 Again I have been transfer from Dispur to Patna where I have not given my choice for transfer it is as per procedure and service rule that after serving at the North Eastern Station Home posting is favourably looked into. No intimation/information given to me.

4.9 Ø Copy of transfer order dtd. 8-5-96 is annexed herewith as Annexure I.

4.10 Choice for transfer dtd. 5-12-1995 is annexed here with as Annexure 11.2.

4.11 Latter dated 11-12-95 is annexed herewith as Annexure 3.

4.12 The latter dtd. 27-3-96 is annexed herewith as Annexure 4.

4.13 The letter dtd. 9.5.96 is annexed herewith as Annexure 5.

4.14 The latter dtd. 9-5-96 is annexed herewith as Annexure 6.

4.15 The latter dtd. 14-5-96 is anneded herewith as Annexure 7.

4.16 The Ylatter dtd. 17-5-96 is annexed herewith is Annexure 8.

4.17 The letter dtd. 20-5-96 is annexed herewith as Annexure 9.

4.18 The letter dtd. 21-2-93 is annexed herewith as Annexure 10.

5. GROUND FOR RELIEF WITH LEGAL PROVISION :

During my last 20 years of service I have been frequently transferred. My numbers of transfer are more than Shri N.C. Mondal Wireless Supervisor who has been transferred to Calcutta but he is Junior to me in the Station. Shri Mondal enjoyed Calcutta 6 years at a stretch I had only 2 years and 4 months Shri Mondal enjoyed Gangtok 8 years at a stretch in the capacity of Wireless operator/Wireless Supervisor. I have been given Patna from after serving North Eastern State mean I will not get Calcutta during my remaining service I am also under the treatment of a psychiatrist based at Calcutta even though my transfer has not been considered for Calcutta. I therefore, pray that I may kindly be transferred to Calcutta.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declare that they have no other alternative or efficacious remedy except by way of filing these application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHERS COURT.

The applicant further declare that not filed any application, write petition or suit regarding the subject in respect of which this application has been made before any other authority or Court or any other Bench of this Hon'ble Tribunal and No such application with Petition or Suit pending before any them.

aw
24-5-96

8. RELIEF SOUGHT.

8.1 Respondent No. 2 and 4 be directed to treat the transfer from Dispur to Patna as cancelled.

8.2 Respondent No. 6 be directed not to relieve Shri N.C. Mondal Wireless Supervisor who has been posted at Calcutta being the Junior of this Station.

8.3 The authority be directed not to despatch pay ~~Ad~~ and allowances till the final decision of the Hon'ble Tribunal.

8.4 Cost of application.

9. INTERIN RELIEF SOUGHT FOR :

During the pendency of the Case the respondents be directed to consider the posting of the applicant at Calcutta and also be directed to pay and allowances of the applicant may not be despatch to Patna.

10. THE APPLICATION FILED THROUGH ADVOCATE :

No.

11. PARTICULARS OF THE IPO : L 09 346106

i) I.P.O. No. : B 09 346106

ii) Date : 22-5-96

iii) Payable at : Gauhati.

12. LIST OF ENCLOSURES :

As stated in the index

Q. Am
24-5-96

Contd... 7.

: VERIFICATION :

I Shri L. C. MANNA S/o Late Pashupati Manna age about 46 years do hereby solemnly verify and state that the statements made in paragraph 1 to 4 and 6 to 12 of the accompanied Petition are true to my knowledge these made in paragraph are true to my legal advice and I have not suppressed any material facts being duly authorised I am competent to swear this verification on behalf of all the application and I sign this verification on this day the day of May'24 1996.

L.C. Manna 24/5/96

Government of India

Ministry of Home Affairs

Directorate of Coordination

(Police Wireless)

Block No.9 CGO Complex

Loghi Road, New Delhi-3

Dated the 8th May, 1996

Office Order Part-II

(No. 72/96)

The transfer in respect of the following Wireless Supervisors of this Directorate is ordered as shown against their in public interest.

Sl. No.	Name (S.Shri)	From	To	To be received on	to join on or before
1.	Himmat Singh	Aizwal	Delhi	12.6.96	28.6.96
2.	Lachhi Ram	Delhi	Aizwal	29.5.96	14.6.96
3.	M.R. Mishra	Aizwal	Delhi	12.6.96	28.6.96
4.	A.B. Das	Patna	Aizwal	4.6.96	17.6.96
✓ 5.	L.C. Manna	Dispur	Pattna	3.6.96	14.6.96
6.	J.P. Gautam	Delhi	Dispur	29.5.96	14.6.96
7.	N.C. Mondal	Dispur	Calcutta	14.6.96	27.6.96
8.	T.K. Sarkar	Calcutta	Panaji	31.6.96	19.6.96
9.	V. Shivanna	Panaji	Bangalore	3.6.96	14.6.96
10.	V. Narayanappa	Bangalore	Shillong	12.6.96	28.6.96
11.	D.R. Saini	Delhi	Dispur	12.6.96	28.6.96
12.	Harvinder Singh	Chandigarh	Shimla	30.5.96	10.6.96
13.	P.P. Singh	Shimla	Delhi	10.6.96	21.6.96

2. All the above mentioned officials are transferred in public interest. They are entitled to draw TA/DA and joining time as applicable under the rules. They may apply for TA advance if required or may be relieved as indicated above.

3. This issues with the approval of Director Police Telecommunications.

Copy to :

1. Office Order File.
2. DD(A)/DD(ISPW)/PS to JD/SO to DPT
3. All individuals concerned and their Service Book & Personal File.
4. EAD/SS ISPW Stations Aizwal, Patna, Dispur, Calcutta, Panaji, Bangalore, Shillong, Chandigarh & Shimla.
5. AD(C)-w.r.t. his R/N No.C.11032/2(GT)/96-COM dated 2nd May, 1996.
6. Hindi Officer - for issue of Hindi Version.

Sd/-
(K.K. Sharma)
Deputy Director (Admn)

Attested -
Chamms.
22/5/96
Under Secretary to in
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

TKS PNJ/JSR/CHG/DPR/GTK/ITN/AZL DE DLI 2,2,22,2,2,2,2,2,

NR.....751-757

GR.....150

TO S. S. ALL ISPM STATION

INFO ALL ZONAL OFFICERS

FM D I R P O L W I R

NO.C.-11032/1-3(GT)/95-COM

05-12-1995

UNCLASS

OPERATIONAL STAFF (S.S.O., W/SUPR, & O/OPR, ONLY) WHO HAVE COMPLETED/COMPLETING THEIR TENURE BY 30.06.96 SHOULD SUBMIT THEIR CHOICES FOR TRANSFER IMMEDIATELY STOP THREE CHOICES IN THE ORDER OF PREFERENCE SHOULD BE GIVEN AS IT MAY NOT BE ADMINISTRATIVELY POSSIBLE TO CONSIDER A PARTICULAR CHOICE IN ALL THE CASES STOP REQUEST FOR RETENTION AT PRESENT PLACE OF POSTING, IF ANY, SHOULD BE CLEARLY INDICATED AND WILL BE CONSIDERED EXCLUSIVELY SUBJECT TO ADMINISTRATIVE FEASIBILITY STOP INFORMATION SHOULD REACH A.D.(C) LATEST BY 31.12.95 STOP REQUEST RECEIVED AFTER DUE DATE WILL NOT BE ENTERTAINED STOP.

THI - 1800

V. CHOKRA

DELIVERED ON 05-DEC-1995

Attested -
Hanning
22/5/96
Under Secretary to In-
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur
20 HRS.

Copy

Annexure 3

10

To

The Director Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs, Govt. of India
B-9 C G O Complex, Lodhi Road
New Delhi - 3

(Through Proper Channel)

SUB : Request for transfer at ISPW station Calcutta on completion of Tenure at NE STN (Dispur) and also on Medical Ground.

Sir,

Referring to the HQRS Signal vide No. C11032/1-3(GT)/95-COM dated 5.12.95 I request to your good offices for my transfer at ISPW station Calcutta.

The following inferences are drawn for your kind attention and consideration thereof.

That sir, as a station senior wireless supervisor I am the senior most W/S in this station. Secondly I left Calcutta station in the early part of the year 1979 only after two and half years stay and since then the long 17 years passed (seventeen years). During those 17 years, I have been transferred to a number of different stations which includes 2 NE stns and one non-popular stn. I have never been considered for Calcutta which was of course, my first choice.

Moreover, I have been under the treatment of a consultant psychiatrist since 5/6 years at Calcutta for which I go (will have to go) for Medical Check up regularly at regular interval as per the direction of my attending Physician thereby causing a serious Financial hardship too.

Contd....2

11

::2::

Relating to the option for 3 choices I tender my apology and to state that on all those earlier cases of transfers I gave option for 3 choices but I have never been considered for Calcutta (which was my first choice) in the exigencies of Medical treatment even not considered on humanitarian ground when I was in the jaws of death and hence my choice is for Calcutta only.

It is therefore requested to your good offices that I may kindly be transferred at Calcutta considering all the facts stated above with my special attachment of medical treatment and its exigency.


With regards

Thanking you sir,

Yours faithfully


(L.C. MANNA)

W/S ISPW Dispur

Attested —

22/5/96
Under Secretary to in
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

Place : Dispur

Dated : 11.12.95

Enclo. : Medical Certificate.

Copy.
Annexure 4
12/5
To

The Honourable Director
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Vlock-9, C. G. O Complex, Lodhi Road
New Delhi - 3

SUB : Request to transfer at ISPW STN Calcutta

Honourable Sir,

With profound respect and humble submission your kind attention is drawn for your sympathetic action for my transfer at ISPW station Calcutta. In connection with transfer matters I beg to state that I had left Calcutta in the Month of April, 1979 only after a stay of 2 years and 4 months. 18 years is to start now.

During these 17 years I had been transferred to five (5) different stations after Calcutta viz. Agartala (NE), Bhopal, Patna, Gangtok (Non Popular) and Dispur. It is very much painful to bring to the notice of your highest esteem that I had fallen seriously ill for my Neurosis Anxiety when I was posted at ISPW Gangtok and was under the treatment of a Neuro Surgeon of Calcutta Hospital and I had requested my transfer on Humanitarian ground for my treatment at Calcutta when I had to run several months without pay as well as the authorised A M A at Gangtok directed me for my treatment at Calcutta, even when my family was reeling under starvation. But I was not considered.

Honourable sir, I request your highest esteem to kindly transfer me at ISPW Calcutta for some specific problems/hardships.

Firstly, I have been under the treatment of a reputed Psychiatrist in Calcutta since 6 years and as per my attending Physician I would have to undergo prolong treatment and requires

Contd....2

regular check up at right interval. I always fear if any deviation of his Directive something might concern and automatically my whole family would collapse.

Secondly, I am having three daughters none is studying in a Central school because of unfavourable circumstances at transferred places. I was not in a position to admit them in Central school. As such my daughters are to be settled for their educational carrier in my native place in West Bengal.

Thirdly, my 2/3rd service is passed and I have no settlement at all to accomodate my family and it is very much essential to construct a house for that I have already submitted all the relevant papers to H.Q. and it is about to get the sanction, if I could not do now then I would be no where.

Honourable sir, I do beseech your good offices to kindly transfer me at ISPW station Calcutta.

With kind regards

Thanking you,

Yours faithfully,

(Signature)
(L.C. MANNA)

W/S ISPW, Dispur

Handed over to Hon'ble Director
by hand on his visit to ISPW Dispur
dated 27.3.96.

Photostat copy :

1. Medical certificates while at Gangtok
2. And present one.

Attested -
Manmoh
22/5/96
Under Secretary to the
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur.

To

Sh. Kamalesh Deka

Hon'ble Director

Directorate of Co-ordination (Police wireless)

Ministry of Home Affairs

Block-9, CGO Complex

Lodhi Road New Delhi-3

SUB : Transfer order of W/S vide signal No. C 11032/2 (GT)/96-COM and O.O. No. 72/96 dtd 08.05.96 and Request to review the case thereof.

Hon'ble Sir,

With reference to the order of transfer of W/S vide signal No and O.O. No. as stated above, I am to bring to your kind attention here-in-after that the transfer order of W/S specially as regards to my concern I can emphatically assert that the order is (1) **Malafide** and **Malice** (2) **Biased** (3) **Complete departure of Natural justice.**

Hence it is once again requested to your highest esteem to kindly review the case, lest I would be constrained to redress my grievances through the luminary of JUDICIAL Institution.

With kind regards,

Yours faithfully,

Dated : 09.05.96

(L.C. MANNA)

W/S

ISPW Dispur

Copy to : 1. JD DCPW

2. Admn. Officer, DCPW

(Through Proper Channel)

Attested -
Manna
22/5/96
Under Secretary to
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

To

15
8

The Director Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs, Govt. of India
B-9 C G O Complex, Lodhi Road
New Delhi - 3

(Through Proper Channel)

SUB : Request for transfer at ISPW station Calcutta on completion of Tenure at NE STN (Dispur) and also on Medical Ground.

Sir,

Referring to the HQRS Signal vide No. C11032/1-3(GT)/95-COM dated 5.12.95 I request to your good offices for my transfer at ISPW station Calcutta.

The following inferences are drawn for your kind attention and consideration thereof.

That sir, as a station senior wireless supervisor I am the senior most W/S in this station. Secondly I left Calcutta station in the early part of the year 1979 only after two and half years stay and since then the long 17 years passed (seventeen years). During those 17 years, I have been transferred to a number of different stations which includes 2 NE stns and one non-popular stn. I have never been considered for Calcutta which was of course, my first choice.

Moreover, I have been under the treatment of a consultant psychiatrist since 5/6 years at Calcutta for which I go (will have to go) for Medical Check up regularly at regular interval as per the direction of my attending Physician thereby causing a serious Financial hardship too.

Contd....2

16

:: 2 ::

Relating to the option for 3 choices I tender my apology and to state that on all those earlier cases of transfers I gave option for 3 choices but I have never been considered for Calcutta (which was my first choice) in the exigencies of Medical treatment even not considered on humanitarian ground when I was in the jaws of death and hence my choice is for Calcutta only.

It is therefore requested to your good offices that I may kindly be transferred at Calcutta considering all the facts stated above with my special attachment of medical treatment and its exigency.

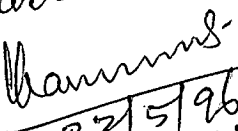
With regards

Thanking you sir,

Yours faithfully


(E.C. MANNA)

W/S ISPW Dispur

Attested -

22/5/96
Under Secretary to the
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

Place : Dispur

Dated : 11.12.95

Enclo. : Medical Certificate.

copy
17
To

The Director, Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Block 9 C.G.O. Complex
Lodhi Road, New Delhi

(For Kind Attention of Sh. M.S. Popli, Joint Director)

SUB : Request to review the case of my Transfer.

Through Proper Channel

Respected Sir,

With humble submission I emphatically assert in response to the order of transfer of W/S vide Signal No. C 11032/2(GT)/96-COM dt. 08.05.96. That I have been maltreated and deprived of natural justice despite my earnest appeal and efforts even appeal was directly approached to the Hon'ble Director on his official visit to I S P W station Dispur on 27th March 1996 and representation was handed over by hand to the Hon'ble Director citing thereby the hardships and problems as well as numbers of transfer I had to face in different places which is comparatively more than almost anyone.

I can cite numbers example in transfer cases that have been considered on the pretext of one or the other by the individuals even before their normal tenure or enjoying after the completion of their normal tenure much before.

I do hereby perceive that and it appears to have been purposed that a calculated manoeuvre is drawn to put me under severe mental tension knowing that I am a regular patient under a reputed psychiatrist and have been under his treatment and regular check up since 6 years and will have to go for a prolong treatment under his guidance as per direction.

Contd.....2

I have been transferred to a third place so systematically that I could never be able to come to Calcutta so far as to the concern of transfer during my remaining service. (As because it has not been considered either way, that is neither I have been kept here at Dispur nor considered for Calcutta) which practice usually adopted by the deptt.

Therefore when all of my requests are exhausted even after going to all the lengths to ventilate my woos sufferings and legitimacy as per the procedure, I have been constrained and now decided to redress my grievances through the luminiary of the legal institution.

With respectful regards

Thanking you sir,

Yours faithfully


(L.C. MANNA)

W/S ISPW, Dispur

Dated : 9.5.96

Copy to : 1. Admn. Officer, DCPW

2. Information to Hon'ble Director in advance by by post.

Attested -
Hammis-
22/5/96
Under Secretary to Govt
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

To

The Director
Police Telecommunication
Directorate of Co-ordination
(Police Wireless)
Ministry of Home Affairs
C.G.O. Complex, Lodhi Road
New Delhi - 3

(For kind attention of Sh.M.S. Popli Joint Director DCPW)

Through Proper Channel

SUB : Request Despatch of Transfer Guide Lines/G.O.I Instruction
Referred as under the Direction of Hon'ble COURT ORDER.

Respected Sir,

With reference to the Transfer Order vide Signal No. C 11032/2/(GT)/96-COM dtd 08.05.96 and in continuation of my representation dated 11.12.95 and 27.3.96 (handed over Directly to the Hon'ble Director on his visit to Dispur)

Harassment, unjust unequitable treatment meted out against me as well as mental pressure exerted all along despite my earnest and best efforts made to the Authority for justice. Hence I have been constrained to redress my grievances through the Luminary of the legal institution and I want to adduce my case. As such you are hereby requested to despatch at the earliest the following.

It is therefore requested to despatch the request made in the subject as pronounced by the Hon'ble Tribunal vide :

1. A.T. Act 1985 SS 14(1) and 22 (3) (f) (1987) 4A.T.C. 721
2. A.T. Act 1985 SS 2 (Q) and 15 (1987) 5A.T.C. 677
3. A.T. Act 1985 (14) (1) (1987) 5 A.T.C. 893
4. Application of M.H.A.'s Notification No. 108/54-Ests (A)

dated 20th November 1954 (As a spl. reference I will pray legal

Contd.....2

propriety in respect of my transfer appeal from Gangtok to Calcutta
 5. Application of Constitution propriety under Article 311 (2)
 Reg. Transfer.

Request to despatch the same as requested reg. TRANSFER
 Policy to Redress my griviences through JUDICIARY.

With Respectful regards,
 Thanking you sir,

Yours faithfully,


 (E.C. Manna)

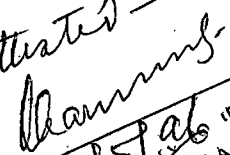
W/S ISPW, Dispur

Dated : 9.5.96

Copy to : 1. Admn. Officer

D.C.P.W., New Delhi

2. Information to Hon'ble Director by post.

Attested -

 22/5/96
 Under Secretary in
 GOVT. OF ASSAM
 Tourism Department
 Assam Secretariat, Dispur

Copy

21 24

To

The Director, Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Block 9 C, G.O. Complex
Lodhi Road, New Delhi - 3

(For Kind Attention of Shri R.V. Raghavan Accounts
Officer, D.C.P.W.)

Through Proper Channel

Respected Sir,

Referring to the cases of W/S transfer order vide Signal No. C11032/2(GT)/96-COM dated 8.5.96. It is to request to you that since I have represented the case and proposed to adjudicate the case for redressal of grievances to the Hon'ble Court of Tribunal.

It is therefore once again requested not RPT not to despatch my pay and all allowances to the transferred RPT transferred place till the decision of the Hon'ble Court. I am with my family members including 3 children and moreso, I am a psychiatrist patient and it requires expenses of rupees more than one hundred and fifty (Rs. 150/-) per month, which is must despite all odds.

Reference ought to be drawn vide A T Act 1985 S 14 (1) (1988) 6 A T C 439 etc in this regard.

With kind regards.

Thanking you sir,

Yours Faithfully,

Dated : 9.5.96



(L.C. Manna)

W/S ISPW Stn., Dispur

Copy to : 1. JD DCPW

2. Admn Officer, DCPW

3. Information to Hon'ble Director by post.

Attested -

22/5/96
Under Secretary to the
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

Copy.

Annexure 6

22

TO

Sh. Kamalesh Deka
Hon'ble Director,
Directorate of Co-ordination (Police wireless)
Ministry of Home Affairs
Block -9, CGO Complex
Lodi Road New Delhi-3

Subject: Transfer order of W/S vide signal No. C
11032/2(GT)/96-COM and O.O.No. 72/96 dtd 08-05-96
and Request to review the case thereof.

Hon'ble sir,

With reference to the order of transfer of w/s vide signal No and O.O. No. as stated above, I am to bring to your kind attention here-in-after that the transfer order of W/S specially as regards to my concern I can emphatically assert that the order is (1) Malafide and Malice (2) Biased (3) Complete departure of Natural justice.

Hence it is once again requested to your highest esteem to kindly review the case, lest I would be constrained to redress my grievances through the luminary of JUDICIAL Institution.

With kind regards,

Your's faithfully

Dt.09-05-96

Attested -
[Signature]
22/5/96
Under Secretary to Govt
GOVT OF ASSAM
Tourism Department
Assam Secretariat, Dispur

[Signature]
(L.C. MANNA)
W/S
ISPW Dispur

1. JD DCPW
2. Admn. officer DCPW

(Through proper channel.)

Copy to be in advance to
Hon'ble DPT by S/Past.

Copy

223

To

The Director, Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Block 9 C.G.O. Complex
Lodhi Road, New Delhi

(For Kind Attention of Sh. M.S. Popli, Joint Director)

SUB : Request to review the case of my Transfer.

Through Proper Channel

Respected Sir,

With humble submission I emphatically assert in response to the order of transfer of W/S vide Signal No. C 11032/2(GT)/96-COM dt. 08.05.96. That I have been maltreated and deprived of natural justice despite my earnest appeal and efforts even appeal was directly approached to the Hon'ble Director on his official visit to I S P W station Dispur on 27th March 1996 and representation was handed over by hand to the Hon'ble Director citing thereby the hardships and problems as well as numbers of transfer I had to face in different places which is comparatively more than almost anyone.

I can cite numbers example in transfer cases that have been considered on the pretext of one or the other by the individuals even before their normal tenure or enjoying after the completion of their normal tenure much before.

I do hereby perceive that and it appears to have been purposed that a calculated manoeuvre is drawn to put me under severe mental tension knowing that I am a regular patient under a reputed psychiatrist and have been under his treatment and regular check up since 6 years and will have to go for a prolong treatment under his guidance as per direction.

Contd.....2

24 ✓

I have been transferred to a third place so systematically that I could never be able to come to Calcutta so far as to the concern of transfer during my remaining service. (As because it has not been considered either way, that is neither I have been kept here at Dispur nor considered for Calcutta) which practice usually adopted by the deptt.

Therefore when all of my requests are exhausted even after going to all the lengths to ventilate my woes sufferings and legitimacy as per the procedure, I have been constrained and now decided to redress my grievances through the luminary of the legal institution.

With respectful regards

Thanking you sir,

Yours faithfully



(L.C. MANNA)

W/S ISPW, Dispur

Dated : 9.5.96

Copy to : 1. Admn. Officer, DCPW

2. Information to Hon'ble Director in advance by by post.

Attested —

22/5/96
Under Secretary to the
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur.

To

25

The Director
Police Telecommunication
Directorate of Co-ordination
(Police Wireless)
Ministry of Home Affairs
C.G.O. Complex, Lodhi Road
New Delhi - 3

(For kind attention of Sh.M.S. Popli Joint Director DCPW)

Through Proper Channel

SUB : Request Despatch of Transfer Guide Lines/G.O.I Instruction
Referred as under the Direction of Hon'ble COURT ORDER.

Respected Sir,

With reference to the Transfer Order vide Signal No. C
11032/2/(GT)/96-COM dtd 08.05.96 and in continuation of my
representation dated 11.12.95 and 27.3.96 (handed over Directly to the
Hon'ble Director on his visit to Dispur)

Harassment, unjust unequitable treatment meted out against
me as well as mental pressure exerted all along despite my earnest
and best efforts made to the Authority for justice. Hence I have been
constrained to redress my grievances through the Luminary of the legal
institution and I want to adduce my case. As such you are hereby
requested to despatch at the earliest the following.

It is therefore requested to despatch the request made in
the subject as pronounced by the Hon'ble Tribunal vide :

1. A.T. Act 1985 SS 14(1) and 22 (3) (f) (1987)4A.T.C. 721
2. A.T. Act 1985 SS 2 (Q) and 15 (1987) 5A.T.C. 677
3. A.T. Act 1985 (14) (1) (1987) 5 A.T.C. 893
4. Application of M.H.A.'s Notification No. 108/54-Ests (A)

dated 20th November 1954 (As a spl. reference I will pray legal

Contd.....2

26

:: 2 ::

propriety in respect of my transfer appeal from Gangtok to Calcutta

5. Application of Constitution propriety under Article 311 (2)

Reg. Transfer.

Request to despatch the same as requested reg. TRANSFER

Policy to Redress my griviences through JUDICIARY.

With Respectful regards,

Thanking you sir,

Yours faithfully,


(L.C. Manna)

W/S ISPW, Dispur

Copy to : 1. Admn. Officer

D.C.P.W., New Delhi

2. Information to Hon'ble Director by post.

Attested -
Manna
22/5/96
Under Secretary to the
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur.

Dated : 9.5.96

copy

267

To

The Director, Police Telecommunication
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Block 9 C, G.O. Complex
Lodhi Road, New Delhi - 3

(For Kind Attention of Shri R.V. Raghavan Accounts
Officer, D.C.P.W.)

Through Proper Channel

Respected Sir,

Referring to the cases of W/S transfer order vide Signal
No. C11032/2(GT)/96-COM dated 8.5.96. It is to request to you that
since I have represented the case and proposed to adjudicate the case
for redressal of grievances to the Hon'ble Court of Tribunal.

It is therefore once again requested not RPT not to
despatch my pay and all allowances to the transferred RPT transferred
place till the decision of the Hon'ble Court. I am with my family
members including 3 children and moreso, I am a psychiatrist patient
and it requires expenses of rupees more than one hundred and fifty
(Rs. 150/-) per month, which is must despite all odds.

Reference ought to be drawn vide A T Act 1985 S 14 (1)
(1988) 6 A T C 439 etc in this regard.

With kind regards.

Thanking you sir,

Yours Faithfully,



(L.C. Manna)

W/S ISPW Stn., Dispur

Copy to : 1. JD DCPW

2. Admn Officer, DCPW

3. Information to Hon'ble Director by post.

Attested -

22/5/96
Under Secretary to m
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

Copy

Annexure 7

28

To,

THE HON'BLE DIRECTOR, POLICE TELECOMMUNICATION
DIRECTORATE OF COORDINATION (POLICE WIRELESS)
MINISTRY OF HOME AFFAIRS,
C.G.O COMPLEX, BLOCK 9
LODI ROAD NEW DELHI ...3

(FOR KIND ATTENTION OF SHRI M.S. POPLI, JOINT DIRECTOR DCPW)
THROUGH PROPER CHANNEL

Sub : Ref to transfer order of W/S vide signal No. C 11032/2
(GT)/96- Com and O.O. 72/96 Dated 8-5-96 with Ref. to
my application Dated 11/12/95 and that of request made to
Hon'ble Director with application handed over by hand to
him on 27-3-1996 (Official Visit)

Hon'ble Sir,

With respectful gesture I do hereby draw your kind
attention on the subject cited as above and to that effect kindly
recall my express telegraph sent by name to SH. M.S. Popli Joint
Director D C P W on 8-5-96 followed by details of application in
advance to the Hon'ble Director by name on 9-5-96 by speed post
simultaneously the relevants copies of document submitted through
proper channel sparately to the Joint Director, ADMN Officer and the
Accounts Officer Sh. R.V. Raghavan of D C P W with specific course
of action in his respective arena.

I may kindly be forgiven my elucidation about the word
public interest and administrative
reason/interest for its effectuates which is in the

very fabric of the constitution and that of the rule of law is to be reverd and respected with fullest mind of application. Public interest and administative reason in all respect is fully safeguarded by the constitutional propriety and the rule of law in respect of seniority, grievamces

And all that,

I must dare to venture the application of the word compassionateground (for attention of Hon'ble Sh M.N.S. Nanduswamy Assistant Director Communication) is not supposed to be or appears to be meant for the Delhi Posted fellows only in whose cases transfer is counted but not the out stations for A D (C) you would loose Arguments/Action because I myself was a candidate which eventually not taken as a transfer in the year 1989 even I completed my tenure more than two years in Bhopal I was certainly deprived of the previlege. I can cite score of example people coming from Delhi and going back to Delhi within a year or even after 6 months..

At the last I most humbly and respectfully drawing your very kind attention that the application which I have sent to Hon'ble Director by name by post with the relevant copies to all the concerned officers are fully in consonance of the order of the Hon'ble Court of Tribunal in the verdict of the different case laws and references only to seek justice/redressal of grievances. In the transfer signal it is stated that quote without waiting for the decision on their representations if any made against their transfer unquote it does not appear to have been a hundered percent good taste.

For all these connections and in my representations the Hon'ble Court of Tribunal vide act 1985 SS (T) (4) (1), 19 (i), 22 (i), 22, 3 (F) (G) (H) 26,27.

Cat procedure rule 1987 R 7 section 19 (i), 22 (3) FF (G) and (B) and 27 Sction 3 (Q) and 27 is covered which is final and binding as per the pronouncement of the C A T order vide No Om A-11019/37/85-at dated 13th August 1985. Your good offices is hereby requested to look in the matter in the precept of legal jurisdiction

.....
since Hon'ble Tribunal is not a Govt. Functionary. Judgement / Order is not covered by Explanation.

With most respectful regards.

Thanking you Sir

Yours faithfully,


(L. C. MANNA)

W/S ISPW DISPUR

Dated : 14-05-96

Copy to : (i) D.D. ISPW

(2) ADMN. Officer D C P W

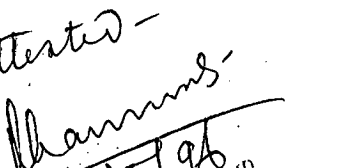
(3) SH. R V Raghavan Accounts Officer D C P W

(4) SH. Swami A D (C)

(5) S S SH M K Mandal ISPW Dispur.. Reg Relive B/H

(6) SH R. Ekka EAD/ Zonal Officer Dispur.. Reg Relieve
B/Hand.

(7) SH. K. Deka Honourable Director, D C P W for kind
Information.

attested -

22/5/96
Under Secretary to
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur

Copy.
Annexure 8

301

34

To

The Hon'ble Director,
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs
Block-9, CGO Complex
Lodhi Road, New Delhi

For Kind Attention of Shri K.K. Sharma, Deputy Director (Admn)

Through Proper Channel

SUB : Request to Review of the order of transfer of W/S vide office order No. A 15014/1/96-Admn II office order Part II No. 72/96 Dtd 8.5.96 and consequent upon my representation dated 9.5.96, Dtd 14.5.96 and request thereof to kindly modify the order of transfer and post me at ISPW Station CALCUTTA. For Public/Administrative interest.

Hon'ble Sir,

Most humbly and respectfully I do hereby beseech your good offices on the subject cited above. I do hereby humbly submit to your highest esteem to post me at ISPW Station, CALCUTTA as because particularly in my case I have been maltreated, harassed and unequitable treatment as well as long exerted mental torture has been inflicted. It is an established facts and based on reason and on the pronouncement of the Hon'ble CAT order which I have represented so far I am DESERVED to be posted at ISPW CALCUTTA and my LEGITIMACY stands hold good for that.

Firstly Shri N.C. Mondal W/S who has been transferred from THIS STATION is JUNIOR to me. I am the SENIOR MOST W/S in this station. Shri N.C. Mondal W/S enjoyed his Calcutta Station as W/O 6 years or so at a stretch - where as I had the opportunity to serve only 2½ years roughly as W/O. Shri N.C. Mondal had left Calcutta roughly about 10/11 years ago whereas I had left Calcutta almost 18 years ago. No. of Transfers of Shri N.C. Mondal W/S is less than me.

Contd.....2

Constitutional propriety of Article 311(2) Safe guards the seniority in respect of Transfer.

Shri N.C. Mondal is very much fortunate enough to be enjoyed almost more than 8 years in Gangtok prior to this station at a stretch in the capacity of W/O as well as W/S after serving 6 years at a stretch at Calcutta where as I had to satisfy with 2½ years in both the stations. On the eve of promotion as W/S while I was at gangtok I requested for my retention there due to my frequent transfer. But I was not considered because I was senior to Shri O.P. Grewal who also promoted as W/S in the same order. Obviously here the procedure, the rule of law and other relevancy gave due justice to Shri O.P. Grewal. But ironically Shri O.P. Grewal got his transfer to Delhi before completion of his normal tenure at Gangtok and the Gangtok station did not have a W/S for a considerable length of period.

Therefore, regarding the case of transfer of Shri N.C. Mondal and myself for Calcutta, I am certainly and legitimately deserved to be posted at ISPW Station Calcutta. It concludes that the order is malafides and malice.

Ref A.T. Act 1985 S14

Hiralal Dubey Vs Jokhu Singh (1987) 4 ATC 521

Secondly, In order to the question of Biasness. It is very clear and well calculated manoeuvrence (as regards to the pattern of transfer order so far) that I would not get Calcutta so far I remain in the Govt Service. My exit from the Govt Service would be about serving of 31/32 years of service and I would not get Calcutta, I would witness only how the people are enjoying in their home stations much after their completion of normal tenure even instances is there in this ISPW station Dispur where

even without the sanction of the post of SSO by S.I.U. is still enjoyed much beyond the expected time of tenure. Even on mutual case of transfer seniority remains unaffected and any extraneous consideration does not serve in the public interest. Therefore the order of transfer is biased and is proved as per the language of law constitution of Article 311(2) and A.T. Act 1985 S14 Harish Chandra Srivastava Vs U.O.I. (1987) 4 ATC 638.

As regards to the complete deparature of Natural Justice : Deptt is well aware that I have been suffering since 1989 due to my Neuroanxities lateron at present I have been under a particular reputed Psychiatrist who virtually has given me to back my life, since 6 years I have been under his treatment based at Calcutta for my Psychiatric treatment and as per his advice and direction I am to go for a regular check up at right interval for a prolong time which is to me, is unavoidable unthinkable. There is no dearth of Psychiatrist all over the country but conviction if frist who has given back my life, than convention. But my all request/appeal despite going to the full length is totally unheaded/summarily rejected. No compunction was shown to me when I requested my transfer from Gangtok to Calcutta on humanitarian ground, but I was not considered where I was struggling and I was in the jaws of death. Due to severe Neuroanxities developments. As a result I had to go several months without pay and my family was defacto moving to and fro with fullest tension on all the ways.

Had it been the authority kind enough to sympathetically considered my case vide MHA Notification No. 108/54-Ests(A) dtd 20th November, 1984. I would have get relief in both the ways rather than to jeopardy in both the ways - A complete deperature of Natural Justice.

384
37

At the last I most humbly and respectfully request to your highest esteem to kindlyt modify the order of transfer and post me at ISPW Station Calcutta. My representation does over all related action in the respective arena including the relieving of Shri N.C. Mondal W/S which is fully covered by legal bindings as because I am the candidate to be posted at Calcutta if the case of Shri N.C. Mondal W/S comes up. All the orders of the Hon'ble Tribunal in the verdict of the cases stated is not covered by explanation action is required to be taken where representation is made :

Ref A.T. Act 1985 S20 Rajkishore Das Vs U.O.I. (1988) 8 ATC 741 and it is in the language of law which termed Resjudicata. Ref A.T. Act 1985 S14 M. Prakasam Vs. Southern Railway (1988) 6 ATC 251.

With most respectfull regards.

Thanking you Sir,

Yours faithfully,

[Signature]
(L.C. MANNA) 17-5-96

W/S

- Enclosure : 1. Photostat copy of the Transfer Order.
2. Photostat copy of the Representation dated 9.5.96
- Copy to :- 1. Shri R. Sekka, EAD/Zonal Officer, Dispur.
2. Shri M.K. Mondal, S.S. ISPW, Dispur.
3. Shri K. Deka the Hon'ble Director, DCPW, MHA, New Delhi for kind information.

Attended -
[Signature]
Under Secretary to Govt.
GOVT. OF ASSAM
Tourism Department
Assam Secretariat, Dispur.

Annexure 9

35

To,

The Station Superintendent,
I.S.P.W. Station, Dispur.

m

Sub : Request to Furnists transfer Ploicy/Guideline
under reference of Sig.No. C 11032/2(GT)/96-Com
dated 15-05-96.

Sir,

As per the subject stated above I have been
directed by DIRPOLWIR vide Sig No. referred above under
reference of my telegram, you are hereby requested to
furnish me the copy of the request made for at the earliest
for Adjudication. Nil report may also be communicated in
writing please.

With regards.

Thanking you Sir,

Yours faithfully,

(*L. C. MANNA*)
W/S I.S.P.W., Dispur.

Attested -
Manna
22/5/96
Under Secretary to Govt.
GOVT. OF ASSAM
Touche Department
Assam Secretariat, Dispur
Copy to :-

Sri M.K. Mandal.
S.S. ISPW Station Dispur.

-x-

36
9
To,

The Director,
Police Telecommunication,
D.C.P.W. MHA, Block-9, CGO Complex,
Lodi Road, New Delhi- 3.

Through Proper Channel.

Sub : Time period for the movement in respect of permanent transfer and the rule thereof.

Sir,

With reference to the transfer order vide No. A 15014/1/96-Admn IV O.O. 72/96 dtd. 8.5.96 is hereby received by me on 14.5.96, and in the said order I have to be relieved on 3.6.96. If left only 15 days roughly to accommodate myself all the way.

It is very clearly pointing me in a very calculated manoeuvrere and harressing attitude to get any sort of relief Natural justice. Sofar it is my knowledge in the permanent transfer 90 days are allowed to move I may please be intimated under which rule it coverse immediately to move on permanent transfer less then 90 days.

The language in the signal used in a very horrash manner I have got every right to represent my case/problem/hard ship etc. the representation does not carry any value it does mean .

In this connection it is also experienced after submitting TA/DA application for advance from out station it takes more than 45 days.

It TA/DA advance is submitted within seven days it will take minimum 45 days. It requires 30 days for booking the Rly. Reservation as per entitlement. It takes almost 5 days to postal delivery 7 days for application.

Contd....p/2.

: 2 :

Totalling in comes $5+7+45+30 = 87$ days. To move on permanent transfer it requires 90 days approximately here in my case I have given time for a period of 15 days. It is not only impractical/but impossible and inhumane in nature to move with family and other belongings.

I may kindly be intimated under which Rule it covers immediately. If rules are given I will obey that.

With regards.

Thanking you Sir,

Yours faithfully,

(L.C. MANNA)
WY - 22/5/96

Attested
22/5/96
Under Secretary to Mr.
GOVT. OF ASSAM
Tourism Department
Assam Secretary to Mr.

- Copy to :-
1. E.A.D./ZO
 2. S.S. ISPW Station Dispur.

-X-

Annexure 10

38

No.A-12-12/14/92-Admn.II
Government of India
Ministry of Home Affairs
Directorate of Coordination
(Police Wireless)

Block No.9, CGO Complex,
Lodhi Road, New Delhi-3.

Dated the 21 Feb, 1993.

OFFICE ORDER PART-II
(No.16/93)

In pursuance of this Directorate's Office Order Part-II No.253/92 dated 24th Dec, 1992, the following Wireless Operators have assumed the charge for the post of Wireless Supervisor with effect from the dates shown against their names.

Sl.No.	Name	Date of joining
1.	Sh. Lachhi Ram	24.12.92 (FN)
2.	" O.P.Grewal	30.12.92 (FN)
3.	" S.N.Sharma	24-12-92 (FN)
4.	" T.K.Chakraborty	24-12-92 (FN)
5.	" S.K.Kapoor	28-12-92 (FN)
6.	" L.C.Manna	1-1-93 (FN)

Attested -
22/5/93
Under Secretary to the
GOVT. OF ASSAM
Copy to
Asstt. Secretary, Dispur

(N.D.Sharma)
Assistant Director(Admn)

1. Office Order File.
2. Accounts Section (2 copies).
3. DD(ISPW)/DD(Admn)/AD(C)/AD(CC)/EAD(CC)/SO to DPT/PA to JD
4. Service Book & Personal files of the individuals.
5. Stn. Supdt., ISPW Stns. Gangtok, & Dispur
6. S/Sh. Lachhi Ram, S.N.Sharma, T.K.Chakraborty and S.K. Kapoor, Wireless Supervisors, Commn. Centre, Hqrs., New Delhi.
7. Sh. O.P.Grewal, W/Supr. ISPW Station, Gangtok.
8. Sh. L.C.Manna, W/Supr. ISPW Station, Dispur.