

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 129/96

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SECTION OFFICER (Judl.)

balh
24.1.98

Mr. S. A. L. C. C. S. C. Advocate for the Respondents.

Office Notes

Court's Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BD No. 3466/5 Dated 22/7/56

Learned counsel Mr M.B. Sarma _____
for the applicant. None for the respondents.

Mr Sarma moves this application for the applicant. The applicant submitted an O.A.No.113/96 against the transfer order No.EST/JTO/TFR/96-97/39 dated 10.6.1996. On 2.7.1996 the application was disposed of with a direction to the respondents to dispose of the representation dated 14.6.1996 submitted by the applicant within one month from the date of receipt of the order by respondent No.1. Further interim order was issued that pending disposal of the representation dated 14.6.1996 submitted by the applicant the operation of the impugned order No.EST/JTO/TFR/96-97/39 dated 10.6.1996 was stayed. However, on 3.7.1996 a release order No.E-13/IPT/96-97/12 dated 3.7.1996 (Annexure M/4) was issued releasing the applicant consequent to the aforesaid order of transfer No.EST/JTO/TFR/96-97/39 dated 10.6.1996. The present O.A. is against the release order.

Issue notice on the respondents to show cause as to why this application should not be admitted and the relief sought allowed. Returnable within 29.8.96.

2-8-96

Notice issued to the
Respects vide D. No. 2308
of 26.7.96.

23.7.96

List for disposal of show cause and consideration of admission on 29.8.1996.

Heard Mr Sarma on the interim relief prayer. It has been submitted by him that the applicant has not handed over charge till date. It is ordered that pending disposal of the show cause and admission of the O.A. the operation of the release order No.E-13/IPT/96-97/12 dated 3.7.1996 is stayed.

Member

28.8-96

nk m

D/S filed on behalf

D.R. No. 1, 2, 3 & 4 sub

Pt 83-91

29.8.96

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

Adjourned for admission to 30.8.96 enable Counsel of the applicant to present the show cause submitted by the respondents.

Member

Hon'ble Tribunal.

1) May kindly be peruse letter dt. 26-8-96 pg 20 and for Telecom Dept.

30.8.96

2) Since reports are still awaited.

28/8

30/8/96

Copy of order issued to the parties vide D.No. 2972 to 2978 dated 2.9.96

30/8/96

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

This application was submitted mainly against the release order No.E-13/IPT/96-97/12 dated 3.7.96. The Sr.S.D.E. Telegraph-s, Imphal, had intimated vide his order No.E-13/IPT/96-97/13 dated 14.8.96 that the office letter No.E-13/IPT/96-97 dated 3.7.96 may be treated as cancelled. Moreover, an application O.A.No.184/96 was admitted against the transfer order dated 10.6.96 and the respondents were directed to keep the operation of the impugned transfer order in abeyance till disposal of that O.A. Therefore this O.A. has become infructuous and it is disposed of at admission stage as infructuous.

Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI :

GUWAHATI CASE O.A. No. 129 of 1996

Shri M. Samarendra Singh, JTO Loktak, Manipur,

.... Applicant

-Versus-

The Union of India and three Respondents
others

I N D E X

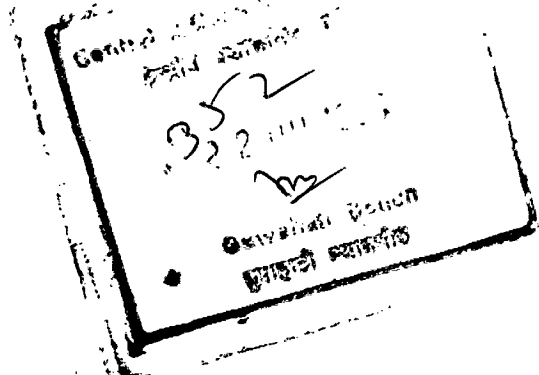
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9. 57/3 83 - 91

Signature of the applicant

[Handwritten Signature]

Received copy
Lab.
Sr. CSSC
2/7/96



Presented on 22-7-1996
by M. Samarendra Singh
Advocate

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For use in Tribunal's Office

Date of filing 22-7-96
OR
Date of Receipt by Post
Registration No. 807 129/96
Signature for Registrar

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

GUWAHATI CASE O.A. No. 129 of 1996

IN THE MATTER OF -

Application under section 19 of
the Administrative Tribunal Act,
1985 read with Rule 4 of the
Central Administrative (Procedure)
Rules, 1987.

AND

IN THE MATTER OF -

Shri M. Samarendra Singh, Junior
Telecom Officer, Loktak, Manipur,
Department of Telecommunication.

..... APPLICANT

-Versus-

1. The Union of India,
represented by the Secretary,
Ministry of Communications,
Govt. of India, New Delhi - 110 001.
2. The Chief General Manager,
North Eastern Circle, Shillong,
Department of Telecommunications,
Shillong - 793 001, Meghalaya.

..... 3. The

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3. The Telecom District Manager,
Department of Telecommunication,
Manipur Division, Imphal, Manipur,
Pin - 795 001.

4. The Senior Sub Divisional Engineer/
Sub Divisional Officer, Telegraph,
Imphal, Manipur, Department of
Telecommunications, Imphal - 795 001.

... RESPONDENTS

In the matter of an application on
behalf of the applicant for redressal
of his grievance or for quashing the
Release-Order No. E-13/IPT/96-97/12,
dated, the 3rd July, 1996 of the
Respondent No. 4 (Annexure M-4).

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

- (i) Name of the applicant : M. Samarendra Singh
- (ii) Name of Father : Late Shri Moirangthem
Megho Singh
- (iii) Designation and particulars of office
(name and station) in which employed/or was
last employed before ceasing to be in service : Junior Telecom Officer,
Loktak/Bishnupur, Manipur,
Telecommunication
Department, Govt. of India.

.... (iv) Office

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- (iv) Office Address : Office of the Junior Telecom Office, Loktak/ Bishnupur District, Manipur Department of Telecommunication, Govt. of India.
- (v) Address for service or notice : The above address described in Sl. No./Item No. 1(iv) OR at M. Samarendra Singh, Khangabok Awang, Part - I, Khangabok Village, under Thoubal District, Manipur.

2. PARTICULARS OF THE RESPONDENTS :

The named-above Respondents described above along with the full particulars.

3. PARTICULARS OF THE ORDER AGAINST WHICH A APPLICATION IS MADE :

The application is against the following order :

- i) Order No. : Order No. E-13/IPT/96-97/12
- ii) Date : Imphal, the 3rd July, 1996
- iii) Passed : Senior Sub Divisional Engineer/ Sub Divisional Officer, Telegraph, Imphal, Department of Telecommunications, Imphal, Manipur (Respondent No. 4).
- iv) Subject in brief : Transfer the applicant ~~making~~ by releasing him holding the post of Junior Telecom Officer, Loktak/ Bishunpur, Manipur Division to Wakha, Nagaland under Nagaland Division with immediate effect wherein the Transfer order is stayed by the Hon'ble Administrative Tribunal, Guwahati Bench, Guwahati vide order dt. 2-7-1996 passed in its O.A. 113 of 1996.

.... 4. That the

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4. That the applicant declares that the subject matter of the order against which he wants redrassal is within the jurisdiction of the Tribunal.

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

6. FACTS OF THE CASE :

The facts of the case are given below :

(1) That the applicant is a permanent resident of Khangabok Village under Thoubal District of Manipur State and he has passed Graduation. He was appointed as Phone Inspector in the Department of the Post & Telegraph now Department of Telecommunications vide Order No. E-101/P.I/95, Dated at Dimapur the 2nd February, 1977 (order issued after completion of training) however, he joined his service at Kohima, Nagaland State on 12-4-1976.

2. That after serving as Phone Inspector at Kohima for about 2 years, the applicant was transferred as Phone Inspector at Imphal, Manipur. The applicant was promoted to the post of Junior Engineer (now Junior Telecom Officer for short 'JTO') vide order dated 15-10-85 and he joined at Guwahati and he was attached as J.E. Grievance Cell attached to the Commercial Officer, O/o the D.M.T. Guwahati vide Order dated 20-10-85. After

... serving about

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After serving for about 3/4 months as J.E. at Gauhati, the applicant was transferred as JTO Lamphel in Manipur State vide Order No. STB/ES-3/Tenure/VII, dated at Shillong, the 2nd January, 1986 and as such the applicant became one of the JTOs under Manipur Division of the Department of Telecommunications. After many transfers from one station to another station in Manipur Division only, the applicant was finally posted as JTO loktak, Manipur District of Manipur State and the applicant has been as JTO Loktak ~~28-9-1993~~ since 28-9-1993.

(3) That the applicant is the seniormost serving JTO in Manip-ur Division and he is completing 11 (eleven) years as JTO in October, 1996x since he has been appointed as JTO vide appointment order dated 15-10-1985 and as such he has qualified for the next higher promotion to the post of TES (Group) 'B' as the minimum qualification is 5 (five) years as JTO and the said TES Group 'B' is a time bound promotional post of JTOs. At present there are about 4 (four) posts of TES Group 'B' are lying vacant in the Manipur Division like at Churachand Station, Senapati Station, Imphal Station etc. For the appointment of the said promotional post of TES Group 'B' from amongst the JTOs there is no examination but a time bound promotional post if the post is/are available. The applicant is one of the applicant for the said post and the name of the applicant come up at Sl. No. 1 after the

.... appointment of

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appointment of one Shri P.B. Singh as TES Group 'B' on promotion who was the seniormost JTO of Manipur Division and the longest stay JTO at Imphal.

(4) That under order of the Respondent No. 2 vide No. STB/ES-3/Tenure/XI, Dated at Shillong, the 25th August, 1995 9 (nine) JTOs who have been serving in different Divisions have been transferred to different Divisions. Out of which one Shri Rashid Ahmed Shah who is working at JTO/Wakha in Nagaland Division transferred under Manipur Division. The Respondent No. 2 directed to different Telecom District Managers of different Divisions including the Respondent No. 3 to sent the relievers from amongst the longest stay at their stations.

(5) That the Respondent No. 3 did not take any steps or kept silent for sending a reliever from Manipur Division because his sweet one would be affected and as such he remain silent, rather he requested for a clarification the meaning of 'longest stay at the station' as there are many stations in Manipur Division. In the meantime the seniormost JTO in Manipur Division and ~~large~~ one of the longest stay JTO at Imphal one Shri P.B. Singh which is mentioned at paragraph No. 6(4) above has been promoted as stated above.

(6) That the Assistant General Manager, Telecom (A) of the Office of the Respondent No. 2 issued a letter dated at Shillong the 31-5-1996 under No. STB/ES-3/Tenure/258 addressed to the Respondent No. 3, under the

... directives of

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directives of the Respondent No. 2, clarified and directed that "reliever of Shri Rashid Ahmed Shah, JTO working now in Wokha should be relieved by the longest stay J.T.O. in Imphal positively before 07.07.96."

(7) That against the clarification, ~~and~~ directives and stipulations of the Respondent No. 2, the Respondent No. 3 pick up the applicant who is not the longest stay JTO at Imphal and issued order of transfer vide his letter No. EST/JTO/TFR/96-97/39, Dtd. 10-6-1996 and directed to relieve the said Md. Rashid Ahmed Shan with immediate effect.

(8) That the applicant made a representation dated 14-6-1996 to the Respondent Nos. 2 and 3 through proper channel for revoking or cancelling the said transfer order stating that he is not the longest stay JTO at Imphal, he has been subjected on frequent transfer and as such he is always on the run, it is violative of the directives of the Govt. of India under para 37-A of P & T Manual Volume IV, his school children would be effected, the transfer order ~~pick up the~~ ² picking-up the applicant keeping the other longest stay JTOs at Imphal is/are mala-fide etc.

(9) That as the Respondent Nos. 2 and 3 failed to dispose of the said representation rather it kept in the cold storage, the applicant, having no alternative, filed an application under section 19 of the Administrative Tribunal Act, 1985 read with Rule 4 of the Central

.... Administrative



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Administrative (Procedure) Rules, 1987 challenging the said transfer order before this Hon'ble Tribunal, Guwahati Bench on 1st July, 1996 and the same is registered as O.A. No. 113 of 1996. The said impugned transfer order is annexed as Annexure A/15 in the said application.

Annexure M/1 is the copy of the said Application dated 1-7-1996 including ~~all~~ all Annexures A-1 to A-18 and it speaks the details. These annexures includes the ~~statements~~ statements and orders mentioned above in paragraph No. 6 (1) to 6 (8)

(10) That after hearing of the counsel for the applicant and the counsel for the Respondent No. 1, this Hon'ble Tribunal passed an order dated 2-7-1996 directing the Respondents No. 2 and 3 who were the Respondents Nos. 1 and 2 in the said applicant to the extent that the representation of the applicant dated 14-6-1996 be disposed within one month from the date of receipt of the order by Respondent No. 2 (Respondent No. 1) in that case). Pending disposal of the representation dated 14.6.1996 by the respondents the operation of the impugned order No. EST/JTO/TFR/96-97/39 dated 10.6.1996 (Annexure A/15) is stayed.

Annexure M/2 is the copy of the said order dated 2-7-1996.

(11) That on 5-7-1996, the applicant made a continuing representation dated 14-6-1996 to the Respondents No. 2 and 3 enclosing the copy of the

....
.... Annexure M/2

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Annexure M/2 for cancelling or revoking his transfer order on the ground that the applicant is waiting for his next promotion as his promotion to the higher post is overdue and if at the present stage if he is transfer from Manipur Division to another Division (Nagaland) his prospect of promotion is bleak and hence it is purely a mala-fide intention denying his promotion and further request that one Shri Jasobanta Singh JTO posted at Nagaland Division who held ~~from Manipur~~ from Manipur State may be treated as reliever of Md. Rashi Shah as the same already submitted by the JTO A(I) Union.

Annexure M/3 is the copy of the said continuing representation dated 5-7-1996.

12. That the said representation was received by the Respondent No. 3's office on 5-7-1996 under R.R. No. 411. In spite of the submissions of the said representation along with the stay of this Tribunal, Annexure M/2, the respondent No. 4 intentionally in order to defraud the claim and right of the applicant he issued an order of releasing the applicant on 9-7-1996 by back-dating the date as '3rd' by overwriting in place of '9th' and the same was registered at the Post office at Imphal Head Post Office under registered No. 5847, dated 9/7/96 which lies about 100 metres from the office of the Respondent No. 4 and as a result the Respondent No. 4 intentionally disobeyed the order of this Hon'ble Tribunal. The Respondents Nos. 2, 3 and 4 are the

... same parties

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same parties in the impugned matter which directly and substantially in issue under whom the applicant claim in the said earlier O.A. No. 113 of 1996.

Annexure M/4 is the said release order alleged to have signed on 3-7-1996; and

Annexure M/4(1) is the copy of the envelop cover of Annexure M/4 showing the date of despatched or registration.

(13) That the applicant received the Annexure M/4 only on 15-7-1997 and immediately he made a representation dated 15-7-1996 to the Respondent No. 4 which was received by the Respondent under R.R. No. 448 dated 15-7-1996. The applicant submitted in the said representation for immediate cancellation or suspension of the released order, Annexure M/4, on the ground that it was issued after 5-7-1996 after thought, the respondent No. 4 never stated about the released order while the applicant and the respondent were sitting at his office on 5-7-1996 at the time submitting representation (Annexure M/3) having had tea with him and talking about the matter.. Even if it was issued on 3-7-1996 he could have cancelled or suspended the Annexure M/4 as the same was lying in his office till 9-7-1996 and as such it was their mala-fide act in order to harass the applicant that anyhow the applicant may be transferred to another Division.

Annexure M/5 is the copy of the said representation dated 15-7-1996.

.... (14) That inspite

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(14) That inspite of the order (Annexure M/2) of this Hon'ble Tribunal and inspite of the said representations, the respondents No. 3 and 4 have not yet suspended the released order (Annexure M/4) instead they are insisting to hand over the charges and leave the station and joined at the new place of posting otherwise action would be taken against the applicant. So far the till 20-7-1996, the Respondents No. 3 and 4 have not yet disposed of the matters and the released order (Annexure M/4) is not yet suspended or cancelled.

(15) That it is humbly submitted that in view of the order at Annexure M/2, the impugned released order at Annexure M/4 dated 3-7-1996 cannot be existed and as such it deserves to be quashed forthwith

(16) That being aggrieved by the order at Annexure M/4 aforesaid, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

7. That the applicant declares that he has availed of all the remedies available to him under the relevant service rules. The applicant ~~presumes~~ ^{presumes} that his request in the representations have been rejected. The applicant declares that he has no other remedy except the one applied for herein.

..... 8. That the

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8. That the applicant further declares that he had not previously filed any application, Writ p-etition or suit regarding the matter in respect of which this application has been made, before any court or law or any other authority or any other Bench of the Tribunal and nor any such application, Writ Petition or suit is pending before any of them except the one which was registered as O.A. 113/96 which is now annexed as M/1 which was ~~also~~ a different order and which was also already disposed off though it is ~~an~~ continuation of the order which was already stayed.

9. That in view of the facts mentioned in para 6 above the applicant prays for following relief(s) :-

- (a) to admit the application;
- (b) to call for the records;
- (c) upon hearing the parties to set aside or quashed the impugned order (Annexure M/4) on amongst other grounds give below; and
- (d) cost of the application or case.

G R O U N D S

- (I) For that the impugned order at Annexure M/4 cannot be existed in view of the order at Annexure M/2;
- (II) For that the impugned order is mala-fide and it is purely a contempt of the Tribunal/Court;
- (III) For that the applicant shall suffer an irreparable loss without his fault because of the impugned order.

.... 10. That

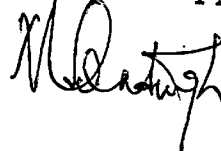
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10. That pending the final decision of the application, the application seeks to issue of the following interim order :

TO STAY the operation of the order Annexure M-4 with a direction to the Respondent Nos. 3 and 4 not to relieve the applicant, as submitted in para No. 6 and 9 above, the applicant is unable to move or to proceed on transfer, therefore, if the operation of the impugned order is not stayed as prayed for the applicant shall suffer an irreparable loss which cannot be adequately compensated in terms of money.

11. That the applicant is enclosing an Indian Postal Order Rs. 50/- (Rupees fifty only) with this application under Rule 7 of the Central Administrative Tribunal (Procedure) Rules, 1987, issued by the Post Office in favour of the Registrar/Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati payable at the Post Office at Guwahati.

Signature of the applicant



.... VERIFICATION



-(14):-

VERIFICATION:

I, Shri M. Samarendra Singh, son of Moirangthem Megho Singh, aged about 42 years, working as JTO in the Office of the Telecommunication Department, Manipur Division, Loktak Bishunpur, Manipur, do hereby verify that the contents of para No. 1 to 8 and 11 are true to my personal knowledge as well as from records and para No. 9 and 10 are believe to be true on legal advice and that I have not suppressed any material fact.

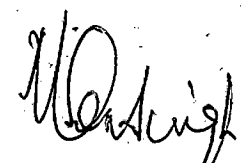
Dated 20-7-1996

Place : Imphal.

Drafted and Settled
By :


Advocate

Signature of the applicant


(M. SAMARENDR A SINGH)

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH GUWAHATI :

GUWAHATI CA SE NO. 113 OF 1996

Shri M. Samarendra Singh, JTO Loktak/Bishnupur,
Manipur.

... APPLICANT

-Versus-

The Chief General Manager Telecommunication,
N.E. Circle, Shillong and two others.

... RESPONDENTS

I N D E X

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Attested
19/7

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Signature of the applicant

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GAUHATI BENCH

GAUHATI Case No. 113 of 1996

IN THE MATTER OF -

Application under section 19 of
the Administrative Tribunal Act,
1985 read with Rule 4 of the Central
Administrative (Procedure) Rules, 1987.

A N D

IN THE MATTER OF -

Shri M. Samarendra Singh, Junior Telecom
Officer, Loktak, Manipur, Department of
Telecommunication.

... APPLICANT

- Versus -

1. The Chief General Manager,
North Eastern Circle, Shillong,
Department of Telecommunication,
Shillong- 793 001, Meghalaya.
2. The Telecom District Manager,
Department of Telecommunication,
Imphal- 79500 1, Manipur.
3. The Union of India.

... Respondents

... In the matter of an

Attested
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19/7

In the matter of an application on behalf of the applicant for redressal of his grievance or for quashing Order No. EST/JTO/TFR/96-97/39, dated 10-6-1996 of the Telecom District Manager, Imphal (Respondent No. 2), (Annexure A/15).

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

- (i) Name of the applicant : Shri M. Samarendra Singh
- (ii) Name of Father : Shri Moirengthem Megho Singh
- (iii) Designation and particulars of office (name and station) in which employed/or was last employed before ceasing to be in service. : Junior Telecom Officer, Loktak/Bishnupur, Manipur, Telecommunication Department, Govt. of India.
- (iv) Office Address : Office of the Junior Telecom Office, Loktak/Bishnupur District, Manipur Department of Telecommunication, Govt. of India.
- (v) Address for service or notice : The above address described in Sl.No. or item No.1(iv) OR at M. Samarendra Singh, Khangabok Awang, Part-I, Khangabok Village, under Thoubai District of Manipur.

... 2. PARTICULARS OF THE

Dr

2. PARTICULARS OF THE RESPONDENTS :

- (a) The Chief General Manager,
North Eastern Circle, Shillong,
Department of Telecommunications
Shillong- 793 001., Meghalaya.
- (b) The Telecom District Manager,
Department of Telecommunications,
Govt. of India, Imphal - 795001,
Manipur.
- (c) The Union India, represented by the
Secretary, Ministry of Communications,
Govt. of India, New Delhi- 110 001.

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

The application is against the
following order:

- i) Order No. : No. EST/JTO/TFR/96-97/39
- ii) Date : Imphal, the 10th June, 1996
- iii) Passed : Telecom District Manager,
Imphal, Deptt. of Telecommunication
Imphal, Manipur (Respondent No. 2)
- iv) Subject in brief : Transfer the applicant holding the
post of Junior Telecom Officer,
Loktak/Bishnupur, Manipur Division
to Wakha, Nagaland under Nagaland
Division with immediate effect.

... 4. That, the

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4. That the applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. That the applicant further declares that the application is within the limitation prescribed in section 21 of the administrative Tribunal Act, 1985.

6. FACTS OF THE CASE:

The facts of the case are given below:

(1) That the applicant is a permanent resident of Khangabok Village under Thoubal District of Manipur State and he has passed Graduation. He was appointed as Phone Inspector in the Department of the Post & Telegraph now Department of Telecommunications. Vide Order No. E-101/P.I/95, Dated at Dimapur the 2nd February, 1977 (order issued after completion of training) however, he joined his service at Kohima, Nagaland on 12-4-1976.

Annexure A/1 is the copy of the appointment letter dated 2-2-1977.

(2) That after serving as Phone Inspector at Kohima for about 2 years, the applicant was transferred as Phone Inspector at Imphal, Manipur.

The applicant was promoted to the post of Junior Engineer (now Junior Telecom Officer for short 'JTO') while he was undergoing Junior Engineer

... Training at

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Training at Jabalpur, Madhya Pradesh and posting was given at Guwahati vide Order No. STB-1/JE-Trainee/Posting, dated at Shillong, the 15th October, 1985 of the Respondent No. 1. Accordingly, the Account Officer (TRG), for G.M. TTC., Jabalpur issued order of striking off the Junior Engineer Trainees for joining to their concerned offices/places after completion of the said Training vide Order No. TC/TI/3510/JE MOLO, dated at Jabalpur, the 18/10/85.

Annexure A/2 is the order dated 15-10-85; and

Annexure A/3 is the copy of the order dated 18-10-85.

(3) That according to the said orders in Annexure A/2 and Annexure A/3 above, the Asstt. Director Telecom, Imphal released the applicant for joining at the new station vide Released Order No. EST/JE-1/Trg/374, dated at Imphal, the 19th Nov. '85. The applicant was joined at his new posting at Guwahati and he was attached as J.E. Grievance Cell attached to the Commercial Officer, O/o the D.M.T. Guwahati vide No. DMT/EST-2/T&P/L/85-86/10, dated at GH, 29-10-85.

Annexure A/3(a) is the said released Order dated 19-11-85; and

Annexure A/4 is the order dated 29-10-85 of the Divisional Engineer P& A, O/o the D.M.T. GH

(4) That after serving about 3/4 months as J.E. at Gauhati, the applicant was transferred as

... JTO Lomphei

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- 6 -

JTO Lamphel vide order of the Respondent No. 1 in its Order No. STB/ES-3/Tenure/VII, dated at Shillong, the 2nd January, 1986. According to the said order the applicant was released from the Guwahati to enable him to join at Lamphelpat, Imphal. The Asstt. Director Telecom Manipur issued an order dated at Imphal, the 3rd February, 1986 under No. Est/JE-2/TFR/215 for allowing the applicant to join as JTO Lamphelpat, in Manipur Division and as such the applicant become one of the JTOs under Manipur Division of Department of Telecommunications.

Annexure A/5 is the copy of the said transfer order dated 2-1-86; and

Annexure A/6 is the copy of the joining order and transfer of posting dated 3-2-86.

(5) That after serving as JTO, Lamphel for about 4 years, the applicant again transferred as JTO Installations and Maintenance of C-Dot Exchanges at Tamenglong, Tamenglong District of Manipur and entire Manipur State vide Order No. EST/JTO/2/TFR/126, dated at Imphal the 12th April, 1990.

Annexure A/7 is the copy of the said order of transfer dated 12-4-1990.

(6) That thereafter the applicant was transferred as JTO, South at Imphal after about 2 years serving as JTO Installations and maintenance, however,

~~XXXXXXXX~~

..... it was cancelled

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it was cancelled. The order of transfer of the applicant as JTO(South) was passed under No. Est/JTO-2/TFR/183, dated at Imphal, 22.6.92 of the Respondent No. 2. Though the said order was passed it was not implemented as it was cancelled, however, again by an order No. Est/JTO/TFR/202, Dtd. at Imphal, 29.8.92, the Respondent No. 2 again transferred the applicant from JTO Installations & Maintenance (JTO-C-DOT) to as JTO(VIP) and posted at Imphal.

Annexure A/8 is the copy of the order dt. 22-6-92; and

Annexure A/9 is the copy of the order dt. 29-8-92.

(7) That the applicant remain as JTO (VIP) at Imphal only about 1 (one) year then he was transferred as JTO Bishnupur /Loktak by the Respondent No. 2 vide order No. Est/JTO-2/TFR/253, Dtd. at Imphal 28.9.93 and the applicant has been serving till date as JTO Bishnupur/Loktak since the said transfer and as such the Applicant is always on the run because of frequent and unschedule transfer. Infact the Respondent No. 2 has no empowered to transfer the applicant righ from the transfer order in Annexure A/7 to Annexure A/8 A/9, A/10 as the transfer affects outside Head Office/Quarter except by the Respondent No. 1 . . However, in the interest of service and as a Loyal to the Government , the applicant followed without any protest or objection.

Annexure A/10 is the copy of the transfer order dated 28-9-93.

..... (8) That

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(8) That the applicant has so far completed more than 11 (eleven) years as JTO since he has been appointed as JTO vide Annexure A/2 dated 15-10-85 so he has qualified for the next promotion to the post of TES(Group) 'B' as the minimum qualification is 5(five) years as JTO and the said TES Group 'B' is a promotion time bound post. At present there are about 4 (four) post of TE S Group 'B' are lying vacant in the Manipur Division like at Churachandpur, Senapati, Imphal etc. For the appointment ~~for~~ of the said promotional post of TES Group 'B' from amongst the JTO there is no examination but a time bound promotional post if the post is/are available. The applicant is one of the applicant for the said post and in this respect the Divisional Engineer (SEP), Imphal forwarded the applications for appointment as TES Group 'B' from JTOs to the Assistant General Manager (A) of the Office of the Respondent No. 1 vide letter No. E-5/Group 'B'/95-96/175, dated at Imphal, the 4th October, 1995 shows that the name of the applicant appears in Sl.No. 2 according to seniority.

Annexure A/11 is the copy of the
said forwarding letter dt. 4-10-95.

(9) That the person named Shri P.B. Singh appears in Sl.No. 1 in the said forwarding letter in Annexure A/11 has already been promoted on officiating basis as TES Group 'B' vide order of the Asstt. General

... Manager, Telecom (A)

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Manager Telecom (Admn) of the Office of the Respondent No. 1, No. STB/TE-11/Pt-III/80, dated at Shillong the 22nd March, 1996 and as such the applicant now becomes the seniormost JTO in Manipur Division.

Annexure A/12 is the copy of the said officiating promotion dt. 22.3.96.

(10) That under the order of the Respondent No. 1 vide No. STB/ES-3/Tenure/XI, dated at Shillong, the 25th August, 1995, 9 (nine) JTOs who have been serving in different Divisional have been transferred to different Divisions. Out of which one Shri Rashid Ahme Shah who is working as JTO/Wakha in Nagaland Division transferred under Manipur Division. The Respondent No. 1 directed to different Telecom District Managers of different Divisions including the Respondent No. 2 to sent the relieveres from amongst the longest stay at their stations. As a follow of actions, the Respondent No. 1 issued another order dated 9th February, 1996 under No. STB/ES-3/Tenure/XI addressed to all the Telecom District Managers under its Region asking them whether the officials have been transferred.

Annexure A/13 is the copy of the said transfer order dt. 25-8-95; and

Annexure A/13(A) is the copy of the said follow-up action dt. 9-2-96.

.... (11) That

- 26 -

(11) That the Respondent No. 2 did not take any steps or kept silent for sending a reliever from Manipur Division because his sweet one would be affected and as such he remain silent. In the meantime the seniormost JTO in Imphal Shri P.B. Singh promoted in the next higher post vide Annexure A/12. The act of the Respondent No. 2 is arbitrary as he because if he acted immediately according to the order and directives of the Respondent No. 1 in Annexures A/13 and A/13(A), the said P.B. Singh would have gone to Wokha, Nagaland Division as a reliever of the said Rashid Ahmed Shah so he waited and remained silent till the said P.B. Singh has been promoted.

(12) That the Assistant General Manager, Telecom (A) of the Office of the Respondent No. 1 issued a letter dated at Shillong the 31-5-96 under No. STB/ES-3/Tenure/258 addressed to the Respondent No. 2, under the directives of the Respondent No. 1, directed that "reliever of Shri Rashid Ahmed Shah, JTO working now in Wokha should be relieved by the longest stay J.T.O. in Imphal positively before 07.07. 96.

Annexure A/14 is the copy of the said letter dt. 31-5-96.

(13) That utmost surprise to the applicant who is waiting for promotion to the higher post as he is the seniormost JTO serving in Manipur Division, against.

.... the directives of the

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the directives of the Respondent No. 1, the Respondent No. 2 pick-up the applicant who is not the longest stay JTO at Imphal and issued order of transfer vide his letter No. EST/JTO/TFR/96-97/39, Dtd. 10.6.96 and directed to relieve the said Md. Rashid Ahmed Shah with immediate effect.

Annexure A/15 is the copy of the said transfer order dt. 10.6.96.

(14) That it is humbly submitted that the applicant is not the longest stay JTO at Imphal. He is now posted as JTO Bishnupur/Loktak under Bishmupur District of Manipur. There are many JTOs at Imphal who are staying a very long period. It is humbly submitted the applicant remained at Imphal only about one year as JTO (VIP) vide Annexure A/9 dt. 29.8.92 and Annexure A/10 dt. 28-9-93, and as such the applicant is the shortest JTO at Imphal. Keeping longest stay JTOs at Imphal and picking-up the applicant who is now at Loktak/Bishnupur is the arbitrary and mala-fide act of the Respondent No. 2.

(15) That it is humbly submitted that if the applicant is transferred from Manipur Division to another Division like Nagaland Division, he changes of promoting to TES Group 'B' is bleak because officiating promotion is considered only from the same Division only as other JTOs from other Divisions/States do not come for officiating in the State of Manipur. It is also

.... submitted that the

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submitted that the transfer is nothing but done with mala-fide intention so that the applicant may not be promoted who has already qualified as submitted above. So far the applicant remain silent and followed the directives of the Respondent No. 2 as a loyal soldier right from transferring JTO Lamphel to JTO Installations than to JTO/South than to JTO/VIP than to the present posting JTO Bishnupur/Loktak though the Respondent is not empowered to transfer the applicant beyond the Head quarter.

(16) That the home town of the applicant is at Khangabok Village under Thoubal District of Manipur. At present the applicant is occupying a quarter belonging to N.E.P.C., Loktak and his two school going children are reading in Central School and Bal Vidya Mandir at Loktak in Class- I and Nursery respectively. The Sessions of the said two Schools were already started in the month of April, 1996. At the present moment if the applicant is to be moved and joined at Wakha, the prospects of his children will be ruined or spoiled because there is no Central School at Wakha, the present transferred place in Nagaland. Moreover, there is no Central School at his home town at Khangabok or in Thoubal District. The Bal Vidya Mandir is run by the NEPC and as such except in the said Loktak area there is no other school anywhere, hence, it will create problem as the applicant has to leave the quarter at Loktak.

... Annexures

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Annexures A/16 and A/17 are the copies of reading certificates issued by the respective Schools respectively.

(17) That because of this problem, the P. & T Manual Volume IV, Para 37-A specifically described that: "37-A. Transfers should generally be made in April of each year so that education of school going children of the staff is not dislocated. In emergent cases or cases of promotion this restriction will naturally not operate".

It is humbly submitted that neither of the two cases is /are applicable in the present case because the transfer order is not yet executed since 25-8-95 (nearly one year) till date and the case is also not a promotion. In this respect the Hon'ble Supreme observed which was reported in AIR 1986 Supreme Court 1955 that :

"5 . It is no doubt true that if the power of transfer is abused, the exercise of the power is vitiated But it is one thing to say that an order of transfer which is not made in public interest but for collateral purposes and an altogether different

.... thing to say

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thing to say that such an order
per so made in the exigencies of
service, express or implied to the
disadvantage of the concerned
Government Servant."

" The Government is the best judge
to decide how to distribute and
utilise the services of its employees.
However this power must be exercised
honestly, bonafide and reasonably.
It should be exercised in public
interest. If the exercise of power
is based on extraneous considerations
or for achieving an alien purpose or
an oblique motive it would amount
to mala fide and colourable exercise
or power. Frequent transfers, without
sufficient reasons to justify such
transfers cannot but be held as mala
fide. A transfer is mala fide when
it is made not for professed purpose,
such as in normal course or in public
or administrative interest or in the
exigencies of service but for other
purpose than is to accomodate another
person for undisclosed reasons. It is
the basic principle of rule of law
and good administration, that even
administrative actions should be just
and fair."

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... " 6. One cannot

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"6. One cannot but deprecate that frequent, unscheduled and unreasonable transfers can uproot a family, cause irreparable harm to a Government servant and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and result in hardship and demoralisation. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally."

(18) That it is also submitted that the order is arbitrary and does not involved public issue. The order is not publicly made and has no public effect. It is done on the arbitrary act of the Respondent No. 2. It is just a punishment without any fault of the applicant. The applicant made a representation to the Respondent No. 1 and 2 on 14th June, 1996 but the Respondents No. 1 and 2 have not yet disposed the matter rather they are keeping the representation in cold storage.

Annexure A/18 is the copy of the said representation dt. 14-6-1996.

.. (19) That

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(19) That it is submitted that the transfer is against the directives of the Government of India's instructions mentioned in the representation Annexure A/18 above dated 14-6-1996 and also against the P & T Volume as submitted in paragraph No. 6(17) above. It is humbly submitted that the notification of the Government of India is a law vide Shanti Kumar Gangli V. State of Tripura, reported in (1982) 1 Gauhati Law Reports at page 211.

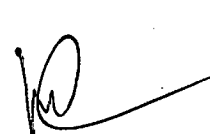
(20) That so far the applicant is not yet released and it is expected that he will be released any moment and as such status quo of the applicant is necessary to maintain.

(21) That being aggrieved by the order at Annexure A/15 aforesaid, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

7. That the applicant declares that he has availed of all the remedies available to him under the relevant service rules. The applicant made a representation to the respondent No.1 and 2 through proper channel on 14-6-1996 (Annexure A/18 for review or stay the said transfer order mainly on the grounds that :

(a) the applicant is having two school going children and the school where his children are studying are not available at the present posting place and also at his home town ;

.... (b) the..



- (b) the transfer order is mala-fide and arbitrary and is against the directives of the Respondent No.1 as the applicant is not the Longest stay JTO at Imphal ;
- (c) The transfer order is against the directives of the P & T Manual and also against the Govt. of India's decision which is a law.

Annexure A/18 is the said representation.

Inspite of the said representation, the applicant has not been intimated the fate of his representation; hence, the applicant presumes that his request is rejected.

The applicant declares that he has no other remedy except the one applied for herein.

8. That 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 of law or any other authority or any other Bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them.

9. That in view of the facts mentioned in para above the applicant prays for following relief(s):-

... (a) to admit



- 34 -
- (a) to admit the application,
 - (b) to call for the records,
 - (c) to issue notice on the respondent.
- No. 2 why the transfer order No. EST/JTO/TFR/96-97/39, dated Imphal 10-6-1996 (Annexure A/15) should not be set aside by this Hon'ble Tribunal,
- (d) upon hearing the parties to set aside the impugned order (Annexure A/15) on amongst other grounds given below, and
 - (e) Cost of the application or case.

G R O U N D S

- (I) FOR THAT transfer of the applicant to a distance place who is a low paid employee the power seems to be meant to be sparingly exercised under some compelling exigencies of particulars situation and not as a matter of routine. It if were literally exercised, it will create tremendous problems and difficulties in the way of the applicant who is getting small pay;
- (II) FOR THAT transfer of the applicant cannot be said routine and bona-fide but only colourable exercise;

.. (III) FOR THAT

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- 38
- (III) FOR THAT the transfer order is mala-fide as it passed in order not to get promotion of the applicant in the higher post so that other juniors may get the higher post as the applicant is transferring to other Division outside Manipur Division;
- (IV) FOR THAT the transfer order is not involved public interest as it is passed with extraneous purposes in the garb of ostensible purpose of public interest;
- (V) FOR THAT transfer effects to a lowly paid employee and also without his consent and mala-fide intention;
- (VI) FOR THAT the transfer order is arbitrary, mala-fide and passed with ulterior motive against the directives of the Respondent No. 1 and also without any reasonable excuse;
- (VII) FOR THAT there is no reason for transferring the applicant to other places as his service at Loktak/Bishnupur or Manipur Division is very much required;
- (VIII) FOR THAT if the applicant is to proceed on transfer to a remote place like Wokha, he can proceed with his whole family and his school going children will be dislocated and there shall be irreparable loss;

... (IX) FOR THAT

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- 36 -

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(IX) FOR THAT the transfer of the applicant is not on promotion or the present post is not abolished, or not in vide-verso transfer and still JTO is required at Loktak/Bishnupur.

10. That pending final decision on the application, the applicant seeks issue of the following interim order :

TO STAY the operation of the order at Annexure A-15 with a direction to the respondent No. 2 not to relieve the applicant, As submitted in para No. 6 and 9 above, the applicant is unable to move or to proceed on transfer, therefore, if the operation of the impugned order is not stayed as prayed for the applicant shall suffer an irreparable loss which cannot be adequately compensated in money.

11. That the applicant is enclosing an Indian Postal Order of Rs. 50p-(Rupees fifty only) with this application under Rule No. 7 of the Central Administrative Tribunal (Procedure) Rules, 1987, issued by the Post Office in favour of the Registrar/Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati payable at the Post Office at Guwahati.

Signature of the applicant

... VERIFICATION

19

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

I, Shri M. Samarendra Singh, son of Moirangthem Megho Singh, aged about 42 years, working as JTO in the Office of the Telecommunication Department, Manipur Division, Loktak/Bishnupur, Manipur, do hereby verify that the contents of para No. 1 to 8 and 11 are true to my personal knowledge as well as from records and para No. 9 and 10 are believe to be true on legal advice and that I have not suppressed any material fact.

Date: 25-6-1996

Place: Imphal.

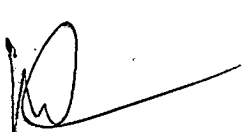
Drafted and settled by:

Signature of the applicant

Advocate

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.



(42)-

A F F I D A V I T

I, Shri Morangthem Samarendra Singh, aged about 42 years, son of late Moiranthem Megho Singh, occupation employee of Telecommunication Department, resident of Khangabok Awang Leikai, Part-I, P.S. Thoubal, Manipur, do hereby solemnly affirm and say as follows:

1. That I am the applicant in the accompanying petition and as such I am fully acquainted myself with the facts of the case. This is true to my knowledge.
2. That the statements in paragraph No. 1 to 8 except the legal points of the accompanying petition are true to my knowledge and true to the records and the legal points are my humble submissions.
3. That the Annexures A-1 to A 18 are from my personnel records and official records received in my official capacity and also from official records. This is true to my knowledge.

Verified that the contents of para No. 1 to 3 above are true to my knowledge and believe and humble submissions.

Imphal, the
25th June, 1996

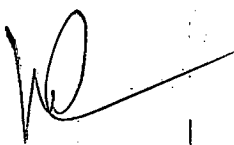
By:-

Advocate

Signature of the deponent

Signature of the identifier

Advocate



INDIAN POSTS AND TELEGRAPH DEPARTMENT
OFFICE OF THE DIVISIONAL ENGINEER TELEGRAPH: NAGALAND
H.Q. DIMAPUR - 797112.

No. E-101/P.I/95

Dated at Dimapur the
2nd February '77

On successful completion of training the following Telephone Inspector Trainees are hereby appointed as Temporary Telephone Inspectors in the scale of pay of Rs. 380-12-500-EB-15-560/- P.M. plus usual allowances under circle service conditions. The date of appointment, are indicated against each. The post are renewal under Circle Office Memo No. "E-171/DMP dt. 19.8.76 and against the posts created vide C.O., SH. EST. BE-16/NGL, dt. 11.6.76.

<u>Sl.No.</u>	<u>Names</u>	<u>Date of appointment</u>
1.	Shri Ashok Kanti Gupta	9.4.74
2.	" D. Chakravorty	9.4.74
3.	" Bapu Ram Boro	16.7.74
4.	" A. Deka Baruah	16.7.74
5.	" Pradip Kanti Dev	11.7.75
6.	" Hari Pada Majumdar	11.7.75
7.	" H.R. Bhattacharjee	11.7.75
8.	" Jyotirmoy Das	11.7.75
9.	" Subhash Ch. Paul	17.7.75
10.	" M. Samarendra Singh	12.4.76

The terms of the appointment are
as follows:-

.... 1. The post

1. The Post are temporary but are likely to be made permanent.
2. The appointments may be ~~terminated~~ at any time with One months notice to be given by the appointing authority without assigning any reason.
3. The appointment carries with it the liability to serve in any part of India. The appointees will also be liable for field service within India in times of War or National Emergency.
4. The service of conditions will be governed by the relevant rules and orders, inforce from time to time.

Sd/- 2/2/77

Divisional Engineer Telegraphs

Nagaland

H.Q. Dimapur - 797112.

Copy to :-


1. The G.M. Telecom.N.E. Circle Shillong for information.
2. The C.A.O. O/O the G.M.T.N.E. Circle Shillong.
3. The S.D.O. Telegraphs, Kohima for information.
4. to 12. The Official Concerned.
- 13 to 21. The Personal Files.
22. The Junior Accountant O/O the D.E.T. Nagaland Dimapur.
23. Office copy.

Sd/- 2/2/77

Divisional Engineer Telegraphs Nagaland

H.Q. Dimapur-797112.

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Amearu 8/2

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE GENERAL MANAGER TELECOM. N.E. CIRCLE
SHILLONG - 793 001.

No. STB-1/JE-Trainee/Posting

Dated at Shillong,
the 15th Oct., 1985

The G.M.T. N.E. Telecom. Circle Shillong is
pleased to issue the following orders of posting of
J.E. Trainees of Batch No. 135(STR) Kalyani and Batch
No. 10(STR) Jabalpur on completion of their prescribed
J.E. Training.

1. -----

to

5. -----

6. Shri M.S. Singh, under D.M.T. Gauhati.

7. -----

8. -----

The posting order in respect of the J.E. trainees
from serial 4 to 8 above are on temporary basis and will
be revised in due course.

Sd/-

(S. RAMANUJAM)
ASSTT. GENERAL MANAGER (STAFF)
O/O THE GENERAL MANAGER TELECOM N.E. CIRCLE
SHILLONG.

Copy for information and necessary action to:

10. Trainees concerned.

11. Spare

To
Shri M.S. Singh
J.E. Trainee
C/o G.M.T. Telecom
Trg. Centre,
Jabalpur.

Sd/-Illegible 15/10/85
FOR GENERAL MANAGER TELECOM N.E. CIRCLE
SHILLONG - 793001

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE GENERAL MANAGER, TELECOM, TRAINING
CENTRE, JABALPUR- 482006

No. TC/TI/3510/JE MO10

Dated at Jabalpur,
the 18/10/85.

Sub :- Strike off Junior Engineer
Trainees of Category-II Strowger
Modular Course Batch No. MO10.

Ref :- GM TTC Jabalpur letter No. TC/TO/
1002/84/86 dt. 19/12/84.

On successful completion of 37 weeks
theoretical training in strowager Modular Course at
Telecom. Training Centre, Jabalpur-482006 the Junior
Engineer trainees of Category-II Strawager Modular
Course Batch No. MO10 as shown in the annexure 'A'
are hereby struck off with effect from the afternoon
of 18/10/85, with orders to report to the officers
concerned mentioned against their names.

Encl: Annexure 'A'

(G.M. PRASAD)
Accounts Officer (Trg.)
for G.M.T.T. C. Jabalpur-482006.

Copy to:-

... ANNEXURE 'A' ...

10

ANNEXURE 'A'

No. TC/TI/3510/JE Batch No. MO-10

Dated at Jabalpur
the 18/10/85.

Staff order in r/o J.E. Trainees of Category

-II (Strowger) Batch No. MO-10.

Unit of Rectt :: N.E. Circle

22. B.C. Baishya

A.E. Carrier Tezpur

D.M.T.
Gauhati

23. M. Samarendra Singh

SDOT Imphal

-do-

24. T.K. Bose

JE Phones
Gossalgaon

AE OSD
Gauhati

25. Binay Bhusan

SDOT Agartala

Director

Malakar

Telecom

Agartala

Sd/-

(G.M. PRASAD)

ACCOUNTS OFFICER (TRG)

FOR G.M. TTC., JABALPUR-6

Sd/- illegible 17/10

- 44 -

Annexure-A/3(a)

- 28 -

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE DIRECTOR TELECOM, IMPHAL.

No. EST/JE-1/Trg/374

Dated at Imphal, the 19th Nov'85

In pursuance of G.M.T. Shillong No. STB-1/JE-
Training/Posting dated 15.10.85, Shri M. Samarendra Singh
J.E. Trainee on successful completion of J.E. training
is hereby transferred and posted under D.M.T. Gauhati.
The official stands struck off from the forenoon of
19/10/85 from the strength of this Telecom Area.

Sd/-

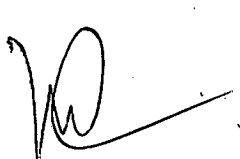
Asstt. Director Telecom
for Director Telecom, Imphal- 795001.

Copy to:

1. _ _ _ _ _
2. _ _ _ _ _
3. _ _ _ _ _
4. The Official concerned.
5. _ _ _ _ _
7. _ _ _ _ _

Sd/-

For Director Telecom
Imphal- 795001.



- 45 -

ANNEXURE- A/4

- 29 -

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE DISTRICT MANAGER TELEPHONES, GUWAHATI.

No. DMT/EST-2/T&P/L/85-86/10

Dated at GH, 29-10-85.

In pursuance of G.M.T.N.E. Circle, Shillong's
No. STB-1/J .Etraince /posting dt. 15-10-85 Shri
M. Samarendra Singh, J.E. Trainee who has reported to
this District on 28-10-85(F/N) after successful co-
pletion of practical training is hereby posted as
J.E. Grievance Cell attached to the Commercial Officer
O/o the D.M.T, Guwahati.

Sd/-

(B.K. Deori)

Divisional Engineer (P@A)

O/o the D.M.T. GH.

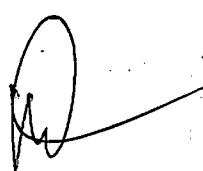
Copy to:-

1. _____
2. _____
3. _____
4. Sri M.S. Singh J.E O the D.M.T. Guwahati
- _____
10. _____

Sd/-

P.S.(E)

O/o the D.M.T./GH



INDIAN TELECOMMUNICATIONS DEPARTMENT
OF THE GENERAL MANAGER, TELECOM. N.E. TELECOM CIRCLE
SHILLONG - 793 001.

No. STB/ES-3/Tennure/VII Dt. at Shillong, the 2/1/'86.

The G.M.T. Shillong is pleased to issue the following orders of transfer and posting of Junior Engineers to have immediate effect :

1) Shri Gauranga Sen J.E. Aizawl on completion of his tenure is transferred and posted to Silchar Vice Shri N.P. Dutta J.E. Silchar who stands transferred and posted to Aizawl as a substitute of Shri Gauranga Sen.

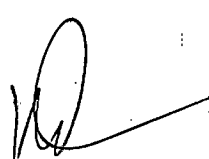
The transfer of Shri N.P. Dutta J.E. is in partial modification of this office memo of even no. dt. 8.7.'85.

Shri N.P. Dutta will move first.

2) Shri Jitendra Chandra Da J.E. Imphal under Director Imphal on completion of his tenure is transferred and posted to Agartala under Director Telecom Agartala vice and longest staying J.E. at Agartala who stands transferred and posted to Imphal as a substitute of Shri Jitendra Ch. Das.

The Director Telecom. Agartala will release the longest staying J.E. at Agartala first under intimati n to this office.

... 3 Shri (2)



3) Shri S.K. Mukherjee J.E. Imphal on completion of his tenure is transferred and posted to Gauhati under D.M.T. Gauhati Vice Shri M. Samarendra Singh J.E. under D.M.T. Gauhati who stands transferred and posted to Imphal as a substitute of Shri S.R. Mukherjee.

Shri M.S. Singh will move first.

4) Shri A.R. Biswas J.E. Imphal under Director Telecom Imphal on completion of his tenure is transferred and posted to Shillong under D.E. Phones Shillong vice a longest staying J.E. at Shillong under D.E.P. Shillong who stands transferred and posted to Imphal as a substitute of Shri A.R. Biswas.

The D.E.P. Shillong will release first the longest staying J.E. under intimation to this office

The concerned Director Telecom/D.M.T. Gauhati/D.Es will release the officials as per aforesaid orders immediately under intimation to this office.

Sd/-

(S. Ramanujam)

Asstt. General Manager Telecom
(SF) For General Manager Telecom
Shillong.

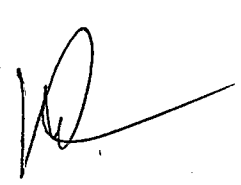
Copy for informaton and necessary action to:-

1. The Director Telecom Shillong/Dibrugarh/Imphal/Agartala
2. The D.M.T. Gauhati.
3. The d.E.T. Shillong/Aizom/Shillong
4. Official concerned
5. DEP- Shillong.

(B. Chakraborty)

Asstt. Director Telecom (PM)
For General Manager Telecom, Shillong.

—



- 32 -

DEPARTMENT OF THE TELECOMMUNICATIONS
OFFICE OF THE DIRECTOR TELECOMMUNICATIONS
MANIPUR: IMPHAL-795001.

No. Est/JE-2/TFR/215

Dated at Imphal the
3rd Feb. '86.

In pursuance of G.M.T. Shillong order contained in STB/JE-8/Tenure/VII dated Shillong 2-1-86 Shri M. Somarendra Singh J.K. on transfer from Gauhati Telephone District has joined into this Area on the forenoon of 27-1-86 vice Shri S.R. Mukherjee, J.E. (Phones), Lamphel-pat, transferred and posted under D.M.T. Gauhati and has been posted as J.E. (Phones), Lamphelpat

2. Shri S.R. Mukherjee, J.E.(Phones) Lamphelpat is hereby Released from the strength of this Area w.e.f. the A/N of 5-2-86 with an instruction to report for duty under D.M.T. Gauhati.

Shri S.R. Mukherjee J.E. may apply for TA/DA advances, if required.

Sd/-

(J.N. LAI)

Asstt. Director Telecom
for Director Telecom Imphal- 795001.

copy to:

1. _____
- 2- 3. _____
- 4- 5. _____
- 6- 9. _____
10. Shri M. Somarendra Singh

Asstt. Director Telecom
for Director Telecom Imphal- 795001.



-45-

Annexure -A/7

35

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE DY. GENERAL MANAGER: TELCOM/IMPHAL

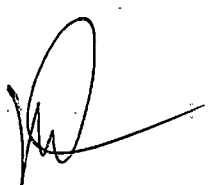
No. Est/JTO-2/TFR/126 Dtd. at Imphal 12. 4. 90.

The following transfer and posting orders are issued in the cadre of JTOs in the interest of service with immediate effect.

- 1) Shri M. Somarendra Singh, JTO Lamphel Exchange is posted as JTO Installation and Maintenance of C DOT Exchange. He will work at Tamenglong with Shri Das, JTO, Task Force at Imphal and will learn the Installation of C-DOT Exchanges.
- 2) Shri D. Purkayastha, JTO cable is posted as JTO Lamphel vice Shri M. Somarendra Singh. Shri D. Purkayastha will deal out-door & In-door plant of Lamphel Exchange.

Shri D. Purkayastha will joint first as JTO Lamphel.
- 3) Shri R.K. Bevanath, JTO will work as JTO (Cable) under SDOP/Imphal vice Shri Purkayastha, JTO cable transferred.

... The official...



The official at Serial No. 1 may
apply for TA/DA advance if required.

sd/-

Officer Engineering
for Dy. General Manager, Telecom.
Imphal- 795001.

copy to:-

- 1- 3) Officer Engineering ,
Phones/Telegraphs/P X, Imphal.
- 4-6) Official concerned.
- 7-9) Personal file.
- 10-) Accounts Section.
- 11) Spare.

For Dy. General Manager,
Telecom. Imphal- 795001.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL.

No. Est/JTO-2/TFR/183 Dtd. at Imphal, 22.6.92.

The Telecom District Manager, Imphal is pleased to issue the following transfer and posting order in the cadre of JTO in the interest of Public Service.

- 1) Sri P. Brajabidhu singh JTO
(South) under SDOP/Imphal is transferred and posted under SDOT/ Imphal vice Shri M. Somarendra Singh, JTO.
- 2) Sri M. Somarendra Singh, JTO
under SDOT/Imphal is transferred and posted as JTO(South) under SDOP/Imphal vice Shri P.B. Singh, JTO South Transferred.


Sd/-
(C. K. Deb)
Asstt. Director Telecom.

For Telecom District Manager, Imphal

Copy to:-

- 1) The SDOP/Imphal. He is requested to release Shri P.B. Singh, JTO(South) as soon as Sri M. Somarendra Singh, JTO is reported for duty.

..... 2) The...



- 52 -

58

- 36 -

2) The ADOT/Imphal, He is
requested to release Shri
M. Somarendra Singh, JTO
immediately.

3) - - - - -

4) - - - - -

5) - - - - -

6) P/F of Sri M. Somarendra Singh
JTO.

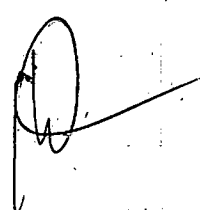
7 - 8) - - - - -

8) - - - - -

Sd/-

For Telecom District Manager

Imphal- 795001.



- 83 -

Annexure - A/9

- 37 -

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL.

No. Est/JTO/TFR/ Dtd. at Imphal, 29.8.92.

The Telecom District Manager, Imphal is pleased to issue transfer and posting order of the following JTOs in the interest of public Service with immediate effect.

- 1) Shri M. Somarendra Singh, JTO C-DOT under SDOT/Imphal is transferred and posted as JTO (VIP) under SDOP/Imphal.
- 2) Shri N.T. Singh JTO (VIP) under SDOP/Imphal is transferred and posted as JTO E- 10B under D.E. E- 10B /Imphal.

Sd/-

(C.K. Deb)

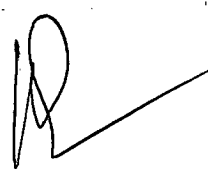
Asstt. Director Telecom .

For Telecom District Manager, Imphal.

Copy to:-

1. -----
2. -----
3. -----
4. -----
5. -----
- 6 - 7. Personal file of the Official M. Somarendra Singh.

For Telecom District Manager
Imphal- 795001.



DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. Est/JTO-2/TFR/253

Dtd. at Imphal 28.9.93.

The Telecom District Manager, Imphal is pleased to issue the following transfer and posting order of JTOs in the units noted against each in the interest of service with immediate effect.

Charge report may be sent to all concerned.

1. -----
2. Shri M. Samarendra Singh JTO (VIP) under SDOP/ Imphal is transferred and posted at Bishnupur under SDOT/Imphal with Headquarter at Bishnupur vice Shri S. Dholendra Singh, JTO, Bishnupur.
3. -----
- to -----
10. -----

Sl.No. 1,2,3 & 4 may apply TA/DA, if necessary.

(K.G. Singh)

Asstt. Director Telecom

For Telecom District Manager, Imphal.

Contd. 3



DEPARTMENT OF TELECOMMUNICATION

OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL-795001.

No. E-5/Group 'B'/95-96/175

Dated Imphal the
the 4th Oct. '96.

To,

Shri G.N. Ghyne

Assistant General Manager (A)

O/O the C.G.M., N.E. Telecom Circle

Shillong - 793 001.

Sub:- Option for officiating

in TES Group 'B' from JTOs.

Kindly find enclosed herewith an application
received from the JTOs are given below. They have

option for JES Group 'B' from JTOs.

1. Shri P.B. Singh, JTO
2. Shri M. Samarendra Singh, JTO
3. Shri P. Banerjee JTO
4. Shri M. Deba Singh JTO
5. Shri Keneth Chingtham JTO
6. Shri Homeshwar Singh JTO
7. Shri S. Dhanabir Singh, JTO
8. Shri Th. Sharatchand Singh, JTO
9. Shri Y. Bijoychandra Singh JTO
10. S. Dholendra Singh JTO
11. O.J. Singh JTO
12. Ch. Jiten Singh, JTO

The above applications are forwarded for favour
of your kind information and necessary action of your
end.

Encl: A/A

Sd/-
(A .P. MAJHI)

For Telecom Dist. Manager Imphal- 795 001.

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,
N.E. CIRCLE, SHILLONG-793 001.

No. 3TB/TE-11/Pt-III/80

Dated at Shillong the
22nd March, '96.

The Chief General Manager, Telecom.N.E.
Circle, Shillong is pleased to issue the following
cadres for local officiating promotions and
posting in the cadre of TES Group 'B' to have
immediate effect.

Sl.No.	Name	Present place of posting	Post of officiating arrangement.
1.	Shri S. Bhattacharjee	JTO Roing	SDE(Group)Roing
2.	Shri S.N. Shah	JTO Tawang	SDE(Group)Tawang
3.	Shri P.B. Singh	JTO Imphal	SDE(Group)Imphal
4.	Shri S.K. Bhowmick	JTO Dimapur	SDOT(Dimapur vide Shri S.K. Mitra

The officiating promotion of the above mentioned
officials terminated and reverted on expiry of
180 days or on joining of regular incumbants of the
posts on specific orders issued by the officer or
any competent authority whichever is earlier. The

.... The ... (2)

-:(2):-

The order of officiating promotions will not bestow any right on the officials for regular absorption to the cadre of TE Group 'B' post nor the service so, rendered by the officials in the officiating capacity will count for the purpose or seniority etc. in the grade.

Necessary change report may be sent to all concerned.

Sd/-

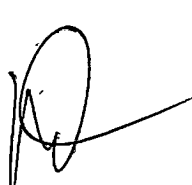
(G.N. Ghyne)
Asstt. General Manager, Telecom
(Admn)
O/O the Chief General Manager Telecom,
N.E. Circle Shillong-793 001.

Copy to:-

1. The Director General Telecom (STG-II)
T.C. HQ, Sanchar Bhawan, New Delhi.
2. Senior P.A. to CGMT/GM(D), Circle Officer Shillong
3. DGM(A)/DGM(P)/DFA/AGM(E)/DEInst/V.O./C.O. Shillong
4. TDM Itanagar/Dimapur/Imphal.
5. A.O.(AGP)/A.O.(A)C-O. Shillong
6. P/F of officials
7. Hindi Translator
8. Spare.

Sd/-

for Chief General Manager
N.E. Telecom Circle
Shillong- 793 001.



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ANNEXURE- A/13

- 42 -

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,
N.E. CIRCLE, SHILLONG- 793 001.

No. STB/ES-3/Tenure/XI

Dated at Shillong,
the 25.8.95.

The Chief General Manager, N.E. Telecom.
Circle is pleased to issue the following order
of transfer and posting in the Cadre of J.T.O.
to have immediate effect. :-

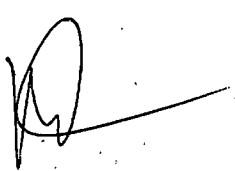
1. Shri B.C. Paul JTO/Kohima is now transferred and posted under TDM/Agartala vice longest stay JTO at the station who stands transferred and posted to Aisawl.

2. Shri M.R. Dutta, JTO/Aizawl is now transferred and posted under TDM/Agartala vice second longest stay JTO at the Station who stands transferred and posted to Aizawl.

3. Shri B.C. Das, JTO/Saiha is now transferred and posted under TDM/Agartala vice there longest stay at the Station who stands transferred and posted to Saiha.

4. Shri B.B. Malakar, JTO/Zunheboto is now transferred and posted under TDM/Agartala vice fourth longest stay JTO at the Station who stands transferred and posted to Zunheboto

.. 5... Shri (2) ..



- 43 -

-(2)-

5. Shri D.K. Dev JTO/Kohima is now transferred and posted under TDM/Agartala vide fifth longest JTO at the Station who stands transferred and posted to Kohima.


6. Shri M.N. Mazumdar, JTO/Kohima is now transferred and posted under TDM/Agartala vide sixth longest stay JTO at the station who stands transferred and posted to Kohima.

7. Shri Rashid Ahmed Shah, JTO/Wokha is now transferred and post under TDM/IP vice first longest JTO at the station who stands transferred and posted to Wokha.

8. Shri A.K. Sen JTO/Aizawl is now transferred and posted under TDM/Itanagar and posted to Aizawl.

9. Shri D. Lakkar, JTO/Tura is transferred and posted under TDM/Tura is transferred and posted under TDM/Agartala Substituted to be posted by TDM/Shillong.

... 3)



- 60 -

65

- 44 -

-:(3):-

Copy of release order may be sent to
this office for records.

Sd/-

(SH. MAJAW)
AGMT (Admn)

For Chief General Manager Telecom,
N.E. Circle Shillong.

Copy to:-

1. GTDM/AGT/AZL/DMP/OP/ITN/SH
7. A.O.(T) C.O. Shillong
8. Circle Secretary JETA(I)
9. A.E. E-10B Shillong -793001.

Sd/-

A.E. Telecom (HRD)
O/o the C.G.M.T.N.E. Circle
Shillong- 793001.

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W

-45-

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER NE CIRCLE.
SHILLONG- 793 001.

No. STB/ES-3/Tenure/XI Dated at Shillong,
the 9th Feb. '96.

To,

The TDM/SH/AZr/AGT/DMP/IMP/ITN

Sub:- Tenure transfer Case
of JTOs.

Ref:- STB/ES-3/Tenure/XI, Dtd.
at Shillong, the 25th
August, '95.

With reference to this office Memo of even No. dt. 25.8.95 in which the tenure transfer order of the following JTOs was issued, kindly confirm whether the officials have been transferred and if so date of their release of the official may be intimated to this office at early date.

Sl.No.	Name of JTOs	Present Station of working.
1.	Shri B.C. Paul	JTO Kohima
2.	" M.R. Dutta	JTO Mizawl
3.	" B.C. Das	JTO Saiha
4.	" B.B. Malakar	JTO Zuhneboto

.... 5 (2)

Sl.No.	Name of JTOs	Present Station of working
--------	--------------	-------------------------------

5.	Shri D.K. Deb	JTO Kohima
6.	Shri M.N. Mazumdar	JTO Kohima
7.	Shri Rashid Ahmed Shah	JTO Wokha
8.	Shri A.K. Sen	JTO Aizawl
9.	Shri D. Laskar	JTO Tura

Sd/-

(AB Engineer)
Asstt. Director, Telecom (HRD)
for Chief General Manager, Telecom
N.E. Circle, Shillong 793 001.

- 47 -

OFFICE OF THE CHIEF GENERAL MANAGER
TELECOM N.E. CIRCLE, SHILLONG- 793 001.

No. STB/ES-3/Tenure/258

Dated at Shillong
the 31-5-96.

To

The T.D.M., Imphal

Sub:- Tenure Transfer of JTOs

Reference :- EST/JTO/TFR/96-97/36

Dtd. at Imphal, the 11.4.96.

Kindly refer to the letter dated above. The undersigned has been directed to inform you that as on date reliever of Shri Rashid Ahmed Shah, J.T.O. working now in Wokha should be relieved by the longest stay J.T.O. in Imphal positively before 07.06.96.

Sd/-

(G.N. Chyne)

Assistant General Manager Telecom (A),
O/O the C.G.M.T., N.E. Telecom Circle,
Shillong - 1.

—

10

- 48 -

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. EST/JTO/TFR/96-97/39 Dtd. 10-6-96.

In pursuance of Chief General Manager,
N.E. Telecom Circle, Shillong letter No. STB/ES-3/
Tenure/XI dtd. at Shillong 6-6-96, Shri M. Somarendra
Singh, JTO working under SDOTpImphal is transferred
posted at Wokha to relieve Md. Rashid Ahmed Shah
JTO Wokha under TDM, Dimapur with immediate effect.

Necessary TA/DA may be applied
if required.

Sd/-


Telecom District Manager,
Imphal- 795001.

Copy to:-

1. The Chief General Manager, N.E. Telecom Circle, Shillong.
2. The Asstt. General Manager Telecom(A), N.E. Circle, Shillong.
O/O CGMT/Shillong.
3. The Telecom District Manager, Dimapur.
4. The A.O. (TA) O/O CGMT, Shillong.
5. The Official concerned.

Shri M. Somarendra Singh JTO
O/O the SDOT/Imphal.

.... 6... (2)



- 48 -

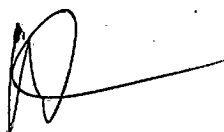
-(2):-

6. The Accounts Officer (Cash)
O/O TDM/Imphal.
7. The SDOT/Imphal. He is requested
to release the Official immediately.
8. The P/F of the official.
9. The Circle Secretary, JTOA(I)
MIS) Section O/O the TDM/Shillong.
10. Spare.

Sd/-

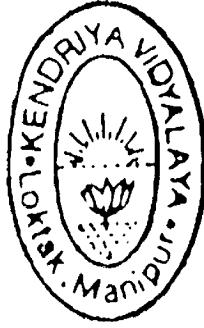
(DAVID HASSA)

Asstt. Director Telecom,
for Telecom District Manager,
Imphal- 795001.



Phone : (61 - Local)
(201 - P & T)

Kendriya Vidyalaya Loktak
Loktak Hydro Electric Project
Vidyut Vihar, Kom-Keirap
Manipur-795124



८१ स्थानीय
इरभाष : २०८ डाक-तार विभाग

केन्द्रीय विद्यालय लोकताक
लोकताक जल विद्युत परियोजना
विद्युत-विहार, कोम-कैरप
मणिपुर-७९५१२४

Ref. No./पत्र संख्या/का.का.प्र.प्र-108/96-97/145 Date/दिनांक...17-6-96.....

READING CERTIFICATE

Certified that Master M.Narendra Singh
S/O Shri M.Samarendra Singh is a bonafide
student of this Vidyalaya reading in class
I-B during the academic session 1996-97.

His date of birth as per our office
records is 26-10-90 (Twenty sixth October
N.N.ninety).

Tcho.
17/6/96
(T.K.JHA)
PRINCIPAL.

SD/JALAL

Principal/प्रधानाचार्य
.....Kendriya Vidyalaya Loktak H.B. Project
लोकताक जल विद्युत परियोजना
MANIPUR -795124

-67-
-57- Incharge H/13

OFFICE OF THE BAL VIDYA MANDIR
LOKTAK HE PROJECT, MANIPUR

NO.LOK/BVA/Vol-IV/96/5904

Dated: 17.06.96

READING CERTIFICATE

Certified that Master Moirangthem Dherendra Singh
S/O Shri Moirangthem Samarendra Singh is a bonafide student
of Bal Vidya Mandir, Loktak HE Project, Manipur reading in
Nursery Class during the academic session 1996-97.

His date of birth as per our office record is
08.04.93 (Eight April nineteen hundred nintythree)

(Signature)
(Mrs Ch. Narayani Devi)

Incharge- Bal Vidya Mandir
Loktak HE Project: Manipur

—

11-13

D

68-32-18
Answer of 18
43
To

1. The Chief General Manager,
North-Eastern Circle,
Shillong.
2. The Telecom District Manager,
Imphal.

Imphal, the 14th June, 1996

THROUGH PROPER CHANNEL

Sib : Transfer of Shri M. Samarendra Singh
J.T.O., Bishnupur/Loktak, Manipur
to Wakha, Nagaland.

Representationist : Shri M. Samarendra Singh,
J.T.O., Bishnupur/Loktak,
Manipur, resident of
Khangabok Awang, Part-I,
Thoubal District, Manipur.

Sir(s),

I have the honour to lay the followings for
your kind sympathetic and favourable action so that my
transfer order from Loktak, Manipur State to Wakha, Nagaland
State may be revoked.

1. That I joined in the Telecom Department as Phone
Inspector on 12th April, 1978 at Kohima, Nagaland State and
stayed for about two years. Then I was promoted to J.T.O.
and joined on 28th October, 1985 at Gauhati, Assam after
serving as Phone Inspector at Imphal. Thereafter, I was
transferred to Lamphel, Manipur Division. After serving
for about 4 years, I was transferred as J.T.O. Installation
and Maintenance of C-Dot Exchanges at Tamenglong and entire
Manipur.

.... 2. That



18/6/96

-3- 69-

-(2)-


2. That thereafter I was transferred to as J.T.O., South but it was cancelled and later again transferred as J.T.O., VIP, Imphal and remain as JTO(VIP) for about 1 year then I have been transferred at the present J.T.O., Bishnupur/Loktak, in Bishnupur District of Manipur and I joined in the month of December, 1993 and as such I have been always on the run whereas many JTOs of this ~~Imphal~~ Division or Manipur Division have not been disturbed for many years together.

3. That my home town is at Khangabok Village under Thoubal District of Manipur State. At present I am occupying a quarter belonging to N.H.P.C., Loktak and my two School going children are reading in Central School and Bal Vidya Mandir at Loktak in Class-I and Nursery respectively. The Sessions of the said two Schools were already started in the month of April, 1996. At the present moment if I am to be moved and joined at Wakha, the prospects of my children will be ruined or spoiled because there is no Central School at Wakha, the present trasferred place in Nagaland. Moreover, there is no Central School at my home town at Khangabok or in Thoubal District. The Bal Vidya Mandir is run by the NHPC and as such except in the said Loktak area there is no other School any-where, hence, it will create problem as I have to leave the quarter at Loktak.

Because of this problem, the P & T Manual Volume IV, Para 37-A specifically described that :

"37-A, Transfers should generally be made in April of each year so that education of School going children of the staff is not dislocated. In emergent cases or cases of promotion this restriction will naturally not operate."

.. . I humbly



- 54 - 70 -

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- (2) :-

I humbly submit that neither of the two cases is/are applicable here and as such as I submitted above that if I am to be transferred at this present moment my school going children will be dislocated.

4. That the order of the Chief General Manager Telecom Shillong vide letter No. STB/ES-3/Tenura/258, dated, Shillong, the 31st May, 1996 specifically mentioned that "Shri Rashid Ahmad Shah JTO Working now in Wakha should be relieved by the Longest Stay JTO in Imphal."

I am not the longest stay JTO at Imphal and at present I am the JTO, Bishunpur/Loktak and as such according to the said order, I should not be transferred. I also submit that as a JTO (VIP) I was only for about 1 year at Imphal that too in fact it was only for 11 months.

5. That I am forced to say that in your Order I am pick-up for transfer outside Division is only that I am the Seniormost JTO in the Manipur Division though the CJMT, Shillong specifically stated that the 'Longest Stay at Imphal' should be transfer to relieve the said Ahmad. If you were to take such decision against the order of the CJMT, Shillong that the seniormost JTO in the Manipur Division should go outside Manipur Division as transfer why was I was transferred from JTO (VIP), Imphal to as JTO Loktak/Bishunpur only two years around ago, hence, I felt that the present transfer is nothing but an arbitrary act as well as mala-fide in order to harass me without my fault.

.... 6.

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6: That it is a fact that the tenure transfer order of Md. Rashid Ahmad Shah issued about 8 months ago, however, it was not implemented because if it was implemented then Longest Stay as JTO in Imphal as well as the Seniormost in Manipur Division would have been effected. After the Seniormost JTO in the Division has been officiated to the next higher post only ~~xxxxxxxxxxxx~~ recently, the transfer order is implemented by picking-up me only. Still I am not the Longest Stay JTO in Imphal and still there are many Longest Stay JTOs at Imphal. Picking-up me is nothing but purely an arbitrary and mala-fide act.

7: I may remind one incident that while I was in Nagaland (Kohima) in or about 31st August, 1978, I was about to be killed by some of the localities at Kohima for a small matter of disconnection of telephone for non-payment of bill. I was miraculously saved but I was brutally beaten. In the said night I was Hospitalized for injury on the head, body etc. guarded by the Department. After three nights I was secretly show-off upto Mao, a town in Manipur State, by the Telecom Department because the matter was communalized and it was widely published in the newspapers and the localities and other neighbourhoods hatched a plan to kill me. The matter was brought to the knowledge of the Circle Office at Shillong and after due consideration I was transferred to Imphal because it was not safe to stay anywhere in Nagaland State as the matter was published and marked me. Still I and my family have hysteria hearing the word 'Nagaland' and as such I should not be transfer in Nagaland.

- (5) :-

8. I may draw your kind attention to the following Government of India's decision vide Govt. of India Ministry of Home Affairs in consultation with the Ministry of Law issued under Memo No. 75/55 Ests(A), dated the 24th March, 1965 (sic) (1958) in respect of transfer that :

"Art. 26.3(11) Other things being equal, the State will get better service from a willing from a willing servant than from one who is compelled to carry out the duties of a post against his wishes. So long as the reluctance of an officer is not based on unreasonable or unworthy considerations, public interest would generally be better served by taking some one who is not so reluctant.

(iv) While the public interest is served, the legitimate claims and expectations of individual employees should not be ignored. It is necessary to make sure, not only, that there is no loss of pay but also that the employee's reasonable expectations in the original service or department are preserved, or equal prospects to which the employee is transferred. At the same time, the interest of members of the service or Department to which the transfer are made should also be considered.

(v) A transfer to a distance place involves movement not only of the officer concerned but

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- (6) -

also his dependents. This may well be a
national hardship, especially to the low paid
employees."

In view of the above circumstances I am not
in a position to render my service efficiently there and
I pray you kindly to review my transfer order so that I
may be allowed to continue my service here on humanitarian
and grounds stated above.

For your prompt and kind action I, as duty bound,
shall ever remain pray.

Yours faithfully,

(M. Samarendra Singh)
JTO
Bilshunpur/Loktak, Manipur.

Copy to :

Advanced copies to the
Addressees.

(M. Samarendra Singh)
JTO Bilshunpur/Loktak,
Manipur Division.

R

- 74 - Amesme 14/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Guwahati Case O.A. No. 113 of 1996

Shri M. Samarendra Singh, JTO Loktak/Bishnupur,
Manipur.

.... Applicant

-Vrs.

The Union of India and others

.... Respondents

2.7.96

Learned counsel Mr M. Bimal
Sarma for the applicant. Learned Sr.
C.G.S.C., Mr S. Ali, for the respondents.

In this application the applicant
has contested the transfer order
No. EST/JTO/TFR/96-97/39 dated 10.6.1996
(Annexure-A/15) transferring him from
JTO, Loktak, Manipur to Wakha, Nagaland,
as being in contravention of the terms
of the order of the Chief General Manager
Telecommunications, N.E. Circle, Shillong
letter No. STB/ES-3/Tenure/11 dated
25.8.1995 (Annexure-13) and No. STB/ES-
3/Tenure/258 dated 31.5.1996 (Annexure-
A/14). It is found that the applicant
had submitted a representation dated
14.6.1996 (Annexure-A/18) to respondent
Nos. 1 and 2. This representation has
not been disposed of by the respondents.
This O.A. is, therefore, disposed of
with a direction to the respondents
to dispose of the representation of the
applicant dated 14.6.1996 aforesaid within
one month from the date of receipt
of this order by respondent No. 1.

Pending disposal of the represent-
ation dated 14.6.1996 by the respondents
the operation of the impugned order
No. EST/JTO/TFR/96-97/39 dated 10.6.1996
(Annexure-A/15) is stayed and this interim

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O.A.No.113/96

2.7.96

direction will stand vacated automatically on disposal of the aforesaid representation dated 14.6.1996.

The application is disposed of. No order as to costs.

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

Sd/- MEMBER (ADMN)

P

9c 1- -76- Annexure 4/3 81

To

1. The Chief General Manager,
N.E. CIRCLE, Shillong.
2. The Telecom District Manager,
Imphal.

Imphal, the 5th July, 1996

THROUGH PROPER CHANNEL

Sub : Continuation of Representation dated 14-6-96 in respect of transfer of M. Samarendra Singh J.T.O. Loktak, Manipur to Wakha, Nagaland.

Representationist : Shri M. Samarendra Singh,
J.T.O., Bishnupur/Loktak,
Manipur, resident of Khangabok
Awang, Part - I, Thoubal
District, Manipur.

Sir(s),

In continuation of my representation dated 14-6-1996 for cancelling or revoking my transfer order from JTO Loktak/Bishnupur, Manipur Division to JTO Wakha, Nagaland Division, I am submitting my further some important facts so that it will favourably dispose off my representation.

1. That as my representation was not disposed off, I prefer a case before the Hon'ble Central Administrative Tribunal, Guwahati Bench at Guwahati which is registered as O.S. (Original Application) 113/96. The Hon'ble Tribunal directed the CGMT, Shillong and TDM, Imphal to dispose off my representation within one month from the date of receipt of the order to be sent by the

.... Hon'ble Tribunal

411
5/7/96
20/2/97

- 77 -

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(2):-

Hon'ble Tribunal by the CGMT, Shillong. Pending disposal of my representation, my transfer order is STAYED. A xeroxed copy of the certified copy of the said order is enclosed herewith for your kind perusal.

2. That at the time of disposing of my representation the following submissions may also be considered as part of my earlier representation dated 14-6-1996 and it will help to dispose off my representation easily.

That so far I have acquired the seniormost serving JTO in Manipur Division and my time-bound promotion to the 'TES' Group 'B' is overdue as the practice of the said promotion is only five years a service as JTO in the Division is required. There is also no departmental examination and whereas I have been completing 11 (eleven) years in October, 1996. It is well known fact there are about 4 (four) posts of TES Group 'B' are still lying vacant in Manipur Division like Churachandpur, Senapati, Imphal etc. after officiating promotion was given to Shri P.B. Singh.

That if at the present stage, I am to be transferred from Manipur Division to another Division like Nagaland Division, my prospect of promotion is bleak and hence it is purely a mala-fide intention denying my promotion.

.... 3. That

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- 78 -

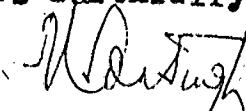
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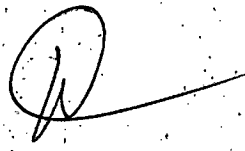
-(3):-

3. That another point may also be considered that JTO A(I) Union has already submitted that one Shri Jasobanta Singh JTO posted at Nagaland Division who held from Manipur State may be treated as reliever of Md. Rashi Ahmed Shah in whose place I have been transferring as reliever.

Under such circumstances stated above you would kindly be disposed off my representation cancelling or revoking my transfer order in the interest of all concerned.

Yours faithfully,


(M. Samarendra Singh)
JTO Loktak/Bishnupur,
Manipur Division.



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GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SR.S.D.E. TELEGRAPHS, IMPHAL:795001.

No.E-13/IPT/96-97/12. Dtd, the 02nd July' 1996.

Sub:- Release Order.

In pursuance of TDM, Imphal letter No.
EST/JTO/TFR/96-97/39 dt 10/6/96, Shri H. Samarendra
Singh, JTO is hereby released from the strength of
this Sub-Division with immediate effect with
order to report for duty under TDM, Dinapur.

Necessary RA/Di may be applied if required.

(K. J. Singh)
Sr.SDE Telegraphs, Imphal.

Copy to:-

1. The TDM, Imphal. 0 for kind
2. The TDM, Dinapur. 0 information
3. The A.O.(Cash) o/o TDM, Imphal. 0 & necessary
4. The official concerned. He is requested to hand 0 action.
5. The JTO, Churachandpur to take over the charge of JTO/Loktak in addition to his normal charge temporarily. without any extra remuneration.

(K. J. Singh)
Sr.SDE, Telegraphs, Imphal.

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Allesh
K. J. Singh
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K. J. Singh

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REGISTERED

लेबल-54 (छोटा)
Lab-54 (Small)

ON TELECOM SERVICE

5847

9/11/96

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS
E-18/1P/796-97/12 Dt-8/7/96



सेवा में/To

J.T.O. (Loktak)
Loktak Tel. - XSE

SUB-DIVISION: प्रेषण/From TELEGRAPH IS
IMPHAL - 795001

उपर संवत् २०१३ चैत्र १५, इ. १३५३

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Amesha 14/3(1)

To

The Sr. SDE Telegraphs, Imphal,
(Sub Divisional Officer, Telegraph)
Department of Telecommunications,
Government of India.

Imphal, 15 July, 1996

Sub : Request for immediate
cancellation or suspension
of the released order :

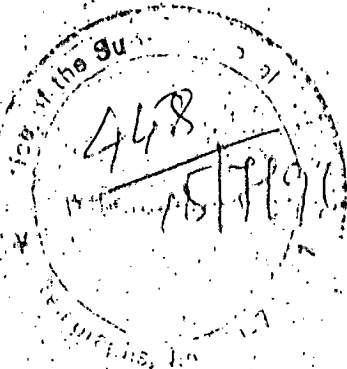
Representationist : Shri M. Samarendra Singh,
J.T.O., Loktak, Manipur.

Sir,

With reference to your Release Order No.
E-13/IPT/96-97/12 alleged to have been signed on 3rd
July, 1996, I humbly submit that I was on leave and I
joined on 4th July, 1996 and my leave was ^{to be} sanctioned by
the T.D.M. on your recommendation and as such you have
fully aware that I was on leave when the Release Order
alleged to have been issued. Under such circumstances
Release Order cannot be issued during leave period, even
if it was actually issued on 3rd July, 1996.

On 5th July, 1996 I submitted a continuing
representation dated 14-6-1996 to you for onward trans-
mission to the Chief General Manager, N.E. Circle, Shillong
and the Telecom District Manager, Imphal and the same was
received by your office under R.R. No. 411 dt. 5/7/96.
I was sitting with you and talked about my case filed before
the Hon'ble Central Administrative Tribunal and enclosed
a copy of the Stay Order with a directives of disposing my
representation dated 14-6-1996 and you had also perused the
said continuing representation, the order of the Hon'ble

.... Tribunal



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-(2):-

Tribunal dated 2-7-1996 passed in its Guwahati O.A. (Original Application) No. 113 of 1996 and my petition of the said application along with the annexures and I had tea with you while you were perusing the said documents.. You never mentioned about my released order issued by you and as such I doubt that the Released Order was issued after 5-7-1996 after thought and from the Release Order itself it clearly shows that the Dtd. appearing as '3rd' ~~xxxxxx~~ overwritten in place of '9th'. Moreover, the Release Order was sent through Registered Post on 9-7-96 under registration No. 5847, dated 9/7/96 and as such it clearly shows that the Release Order was issued only 9-7-1996.

Even it was actually issued on 3rd July, 1996, presuming not admitting, the same order was lying in your office till 9-7-1996, hence, you could have suspended the Release Order in view of the directives of the Hon'ble Tribunal, Guwahati Bench, otherwise such act is purely a mala-fide act as well as is purely a Contempt of the Tribunal/Court which is done knowingly and intentionally.

Under such circumstances stated above you would be pleased to suspend the Released Order alleging to have been issued and signed on 3rd July, 1996 ^{immediately} in the interest of all concerned.

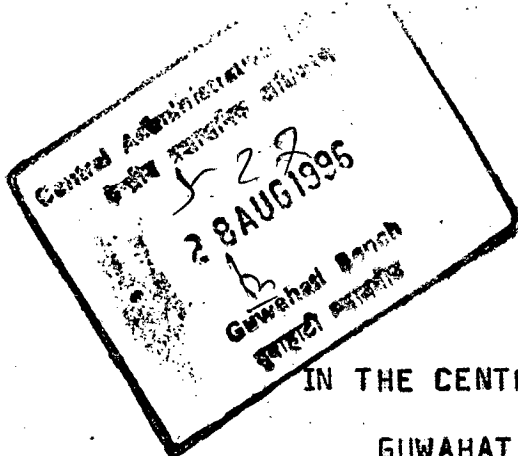
Yours faithfully,

Copy to :

(M. Samarendra Singh)
JTO/roktak, Manipur.

The T.D.M., Manipur Division, Imphal for information and necessary action.

(M. Samarendra Singh)



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83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;
GUWAHATI BRANCH: GUWAHATI.

Filed by:

Shamshad Ali
(MD. SHAMSHAD ALI) 28/8/96
Sr. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Branch

IN THE MATTER OF:

O.A. No. 129/96

Sri M. Samarendra Singh

-Versus-

The Union of India & Urs.

- AND -

IN THE MATTER OF:

Written Statements submitted
by the Respondents No. 1, 2, 3 & 4 .

WRITTEN STATEMENTS

The Humble Respondents
beg to submit their Written Statements
as follows:-

- 1) That with regard to the statements made in paragraphs 1, 2, 3, 4 & 5 of the application the Respondents have no comments.

(Contd.)

Shamshad Ali
28/8/96

2) That with regard to the statements made in paragraphs 6.1 & 6.2 of the application the Respondents have no comments the same being matters of record.

3) That with regard to the statements made in paragraph 6.3 of the application the Respondents beg to state that, the applicant may be the senior most JTO in Manipur Division but he is not the senior most in N.E. Circle . There are 20 JTOs above the applicant in the Gradation List in N.E. Circle. The officiating arrangement in the cadre of TES Group 'B' is given on temporary basis as per list of candidates available in the Gradation List in the N.E. Circle. Presently Sri P.B. Singh who is senior most JTO is officiating and the applicant is also claiming for officiating TES Group 'B' . The applicant though claims for officiating in the cadre of TES Group 'B' he has no immediate chance for officiating as ~~many~~ many as 20 more JTOs are above him in the Gradation list . The Officiating promotion is not time bound one and as such, his claim is not tenable in law . Though there are few vacancies in TES Group 'B' Cadre but he is not likely to get officiating appointment as TES Group 'B' .

4) That with regard to the statements made in paragraphs 6.4 & 6.5 of the application

(Contd.)

the Respondents beg to state that in case of inter S.S.A. transfer , that is, one S.S. A. to another , it is done with the longest stay JTO in SSA.

5) That with regard to the statements made in paragraph 6.6 of the application the Respondents beg to state that longest stay JTO in Imphal means the longest stay JTO under TDM , Imphal in Manipur SSA. It does not mean staying at ~~in~~ Imphal city only. So, claim % of the applicant having longest stay in Imphal has no substance.

6) That with regard to the statements made in paragraph 6.7 of the application the Respondent Beg to state that the applicant was not picked up by the Respondent No.3 as alleged. The Respondent No.3 only passed the order to transfer the longest JTO , that is, senior most JTO in Manipur Division. The Respondent No. 3 ^{The time of} at/ passing of the order was not aware ^{that} of the ^{fact} applicant was the senior most JTO in Manipur Division. On the basis of the order passed by the Respondent No.3 on 7-6-96 the applicant has been transferred from Imphal Division to Wokha to relieve Md. Roshid Ahmed Shah, JTO Wokha under the TJM, Dimapur. As the applicant was found to be longest Stay JTO in Manipur SSA vide order dated

(Contd.)

10-6-96 which has been annexed as Annexure- A/15 with the original application by the applicant.

7) That with regard to the statements made in paragraph 6.8 of the application the Respondents beg to state that it is a fact that the applicant submits his representation dated 14-6-96 and which has already been forwarded to C.G.M.T. , Shillong for consideration and decision, and the same representation has now been disposed of finally rejecting the same vide letter No. ESTD ES-3/TENURE/XD/265 dated 22.8.96

The Respondents further beg to submit state that it is not correct that the applicant has been made subject to ~~xx~~ frequent transfer and he is always in the run . And as such, violation of directives of the Government under para 37-A of P & T manual , Volume -IV does not arise. It is also not correct that the transfer ~~order~~ of other longest stay JTO at Imphal has not been made .

8) That with regard to the statements made in para 6.9 of the application the Respondents beg to state that the Respondent No. 2 has disposed of his representation dated 14-6-96 on ^{22.8.96}~~28-6-96~~ as per direction of the Hon'ble Tribunal vide order dated 2-7-96 passed in O.A. No.113/96. The said representation has been rejected by the Respondent No. 2

(Contd.)

and is communicated vide letter No. STB/ES-3/Tenure/XI/2651 dated 22-8-96 and the result of the representation has been communicated to the applicant by FAX message on 23-8-96. Regarding filing of O.A. No. 113/96 which has been disposed of on 2-7-96. ^{It is} matters of record and the Respondents have no comments.

9) That ~~xxx~~ with regard to the statements made in para 6.10 of the application the Respondents beg to state that they have no comments ~~xxx~~ the same being matters of record. As stated earlier the applicant's representation dated 14-6-96 has already been disposed of. The Respondents further beg to state that the transfer order of the applicant has already been stayed by the Respondent No.3 as per direction of the Hon'ble Tribunal vide letter No. EST/JTU/TFR/96-97/1 dated 14-8-96.

Annexure-R1 is the order communicated vide letter No. EST/JTU/TFR/96-97/1 dated 14-8-96 issued by the Respondent No. 2 , Telecom District Manager, Manipur, Imphal .

10) That with regard to the statements made in para 6.11 of the application the Respondents beg to state that , as stated earlier his representation dated 14-6-96 has been disposed of. The

(Contd.)

application dated 5-7-96 regarding cancellation of the transfer order submitted by the applicant, the Respondent No.3 has stayed the said transfer order of the applicant as per direction ~~xx~~ of the Hon'ble tribunal. It is not correct that he ~~has~~ is waiting for his next promotion to the higher post as there are 20 more candidates above him. And as such, the other allegations brought against the Respondents does not arise.

11) That with reagrd to the statements made in para 6.12 ~~xxxx~~ and 6.12 of the application as stated earlier this has been adqutely replied in earlier paras. It is not correct ^{that} with the Respondent No.4, ~~that~~ he intentionally dis-obeyed the order of the Hon'ble Tribunal.

That the Respondents further beg to state that the TDM, Imphal, the Respondent No. 3 ~~has~~ received the order dated 2-7-96 passed by the Hon'ble Tribunal in U.A. No. 113/96 from the Registry of the Central Administrative Tribunal, Guwahati vide Memo No. 2176 dtd. 18-7-96 on 30-7-96. And accordingly the TDM has passed and issued the order to the applicant on 14-8-96 staying the transfer order and cancelling the release order of the applicant.

(Contd.)

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- 7 -

12) That with regard to the statements made in para 6.14 of the application the Respondents beg to state that, the release order in respect of the applicant was issued prior to the receipt of the honourable tribunal's decision dated 2-7-96 & passed in 113/96 . The ~~applicant's~~ applicant's representation dated 14-6-96 has already been disposed of and his release order also been cancelled as stated earlier. So, there is nothing to be disposed of with regard to the applicant's grivances.

13) That with regard to the statements made in para 6.15 of the application the Respondents beg to state that the applicant's release order has already been cancelled as stated earlier.

14) That ~~th~~ with regard to the statements made in para 6.16 of the application the respondents have no comments.

15) That with regard to the statements made in para 7 of the application the Respondents beg to state that, at the time of ~~xxxx~~ filing of this O.A. ~~Y~~ the representation of the applicant was ~~xxx~~ under consideration and now the representation has been ~~jmx~~ disposed of vide order dated 26-6-96 . 22.8.96
file

(Contd.)

16) That with regard to the statements made in para 8 of the application the Respondents have no comments.

17) That with regard to the statements made in para 9 of the application relating ~~relief~~ relief sought for the Respondents beg to state that the applicant ~~was~~ is not entitled to any of the relief ~~sought~~ sought for and as such, the application is liable to be dismissed.

18) That with regard to the statements made in the grounds mentioned in ^{para} 10 of the application the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such, the application is liable to be dismissed ~~as~~ .

19) That with regard to the statements made in para 11 of the application regarding the interim relief the Respondents beg to state that in view of the facts and circumstances of the case the interim order passed by the Hon'ble Tribunal is liable to be vacated forthwith .

20) That the Respondents beg to submit that the case of the applicant being a normal transfer without any mala fide or malice there is nothing to be

(Contd.)

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^{interfered with}
~~vacated~~ by the Hon'ble Tribunal and as such, the application is liable to be dismissed.

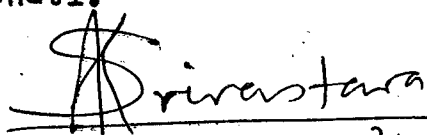
21) That the Respondents beg to submit that the applicant is serving as JTO in Manipur SSA for more than 10 years and as such, it is a normal transfer of the applicant from Manipur to Wokha and ~~as such~~, there is nothing to be interfered with by the Hon'ble Tribunal against his transfer order.

22) That the Respondents^y beg to submit that the transfer of the applicant has been made for the public interest as well as in exigencies of service. There is ^{no} ~~nothing~~ malafide intention and as such, the application is liable to be dismissed.

VERIFICATION

I, Sri Ashok Kumar Srivastava, TDM, Imphal, Respondent No. 3 do hereby solemnly declare that the statements made above in the Written Statements are true to my knowledge, belief and information.

And I sign this verification on 24th day of August, 1996 at Guwahati.


Declarant. 24/8/96
Sub-District Manager, Imphal