

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No... 102/96

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GURGAOHI BENCH

DA No. 102/96

NP No. (DA)

RA No. (DA)

CP No. (DA)

In L. C. Mannan

APPLICANT(S)

VERSUS

Union of India & Ors

RESPONDENT(S)

Appear in person

Advocate for the applicant.

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

Advocate for the Respondents.

Office Notes

Court's Orders

This application is in  
form and within time  
C. S. of Rs. 50/-  
deposited vide  
12025 No. 346030  
Dated 21.6.96

11/2/96 Registrar, 21/6/96

25.6.96

Mr L.C.Mannan in person. He

expresses his desire to withdraw  
the application and request to allow  
him to submit a fresh application  
without prejudice to the rights and  
contentions raised in the present  
O.A. Prayer allowed. Application is  
disposed of on withdrawal.

The applicant - will appear  
in person.

In  
21/6

pg

60  
Member

22.6.96

Copy of order Dd  
25.6.96 issued to the  
applicant or L. Admstr.  
for R-records vide

D No 1867 to 1868

Attd 1/7/96

wh  
21/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL . GAUHATI BENCH.

Title of the Case.

O.A. NO 102 of 1996.

BETWEEN.

Sri. L.C.Mannan.

Versus.

The Union of India & ors.

filed by  
in person  
L.C.Mannan  
21-6-96

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For Use in The Office.

Date of filing. 21-6-96.

Registration No. O.A. 102/96

Received copy

C. Jais

Sr. CS SC  
21/6/96

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH

OA NO. 102 /96.

BETWEEN

Shri L.C. Mannan,  
Wireless Supervisor,  
In the office of the Inter State  
Police Wireless Station,  
Dispur, Guwahati-6.

.....Applicants

AND

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

.....Respondents

*R. a.*  
.....2/-

DETAILS OF THE APPLICATION

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

This application is made against the following orders:-

- 1) Letter No. A.15014/1/96-ADMN/II office order Part II No. 72/96 dt. 8.5.96 (Annexure-8).
- 2) Letter No. A.15014/1/96-DP(Zone) ISPW Station, Dispur Dated 14.6.96 (Annexure-9).

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

4. FACTS OF THE CASE

- 4.1 That the applicant is a citizen of India and as such he is entitled to the rights privileges and protection as guaranteed under the Constitution of India.

4.2 That the applicant joined in the services under the respondents after completing the training in the Delhi Head Quarter on 10th Oct. 1976. Just after completing a stay of 3 months he again joined in the Calcutta office on transfer on 22.12.1976 and after a stay of about 2 years and 4 months he was again transfer to Agartala where he stayed a period for about 3 yrs approximately. Again on 30.7.82 he was transferred to Bhopal where he had to stay about 21/2 years (including 6 months training at Delhi). From Bhopal the petitioner was transferred to Patna on 33-3 3.3.84 and he stayed about 4 1/2 years at Patna. Again from Patna i.e, after a stay of 4 1/2 years the applicant was transfer to Gangtok on 15.3.89. It is pertinent to mention here that the place Gangtok on which the petitioner was transferred is a non popular station and the applicant stayed about 2 years in the Gangtok station.

4.3 That on 14.12.92 the applicant was transferred to Dispur in the Office of the Inter State Police Wireless Station (ISPW) Station, Dispur APRO Building. Pursuant to the said transfer order to Dispur the applicant is working in the Dispur office till date.

A Copy of transfer order dt.21.2.93  
is annexed herewith and marked as  
ANNEXURE-1.

@.4 That during the office tenure at Dispur a Signal came on 5.12.95. The said signal was issued to the office of

the respondents to guide the transfer policy in conformity with the Central Govt. circular on tenure posting. In the said signal it is stated that the employees ( operational staff) who have completed / completing their tenure by 30.6.96 should submit their choice for transfer immediately. It is further stated in the signal that request for consideration in a particular choice place of posting will be considered subject to Administrative feasibility.

A copy of said signal dated 5.12.95 is annexed herewith and marked as Annexure-2.

The applicant crave leave of this Hon'ble Court to submit the said circular regarding the tenure posting at the time of hearing of the instant OA.

4.5 That as per the Annexure-2 signal the applicant made a representation on 11.12.95 to the respondent No.2 stating his choice place of posting as Calcutta. Again the applicant made another representation on 27.3.96 stating his choice place of posting as Calcutta in the light of his prolonged ailment. In the said representation the petitioner made a categorical prayer to consider his case on medical ground stated there to.

Copies of representations dated 11.12.95 and 27.3.96 are annexed herewith and marked as ANNEXURE-3 & 4 respectively.

4.6 That the applicant was shocked when he was served with transfer order transferring him to Patna on 8.5.96. The petitioner immediately after getting the said order of transfer

-5-

dated 8.5.96 made a representation on 9.5.96 to review the matter on sympathetic grounds. The petitioner in the his representation made an allegation that one of his junior Shri N.C. Mandal (Wireless Supervisor) has been transferred to Calcutta on his application for choice place of posting who is junior to the applicant in the station and also said Sri Mandal has already enjoyed the Calcutta station 6 years at a stretch. whereas the applicant had only served 2 years and 4 months.

Copies of order dated 8.5.96 and representation dated 9.5.96 is annexed herewith and marked as ANNEXURE-5 & 6 respectively.

4.7 That on getting any positive reply on the representation dated 9.5.96 (Annexure-6) the petitioner again made a representations on 14.5.96 and 17.5.96 to the respondent No.2 making a prayer to consider his case for transfer to Calcutta in the light of official procedure. It will be pertinent to mention here that the applicant is much more senior to Sri Mandal and as per the office procedure the consideration part comes for the seniors first as in regard to choice place of posting and considerations thereto.

Copies of representations dated 14.5.96 and 17.5.96 are annexed herewith and marked as ANNEXURE-7 & 8 respectively.



-6-

4.8 That to the shock and dismay of the petitioner after pursuing the matter from every channel the respondents have not chosen to reply to anyone of his representations. Being aggrieved by the action of the respondents the applicant came before this Hon'ble Tribunal for redressal of his grievances by way of filing an application vide O.A. 81/96. The said OA was taken up for hearing on 30.5.96 by this Hon'ble Tribunal but unfortunately enough the said application was disposed of as not entertainable. However, the Hon'ble Tribunal directed the respondents to dispose of the representations dated 17.5.96 expeditiously.

4.9 That pursuant to the order dt. 30.5.96 passed by this Hon'ble Tribunal The respondents issued a letter on 14.6.96 stating simply that the application made by the applicant has been considered sympathetically by the Director and the claim of the applicant cannot be acceded to the reason so called Administrative reason. In the said order the respondents has not consider the case of the applicant in light of the Central Govt. Circular on tenure posting as well as the practice and guidelines of their own statutory rules.

A copy of the said memo dated 14.6.96 along with the copy of order dated 30.5.96 are annexed herewith and marked as ANNEXURE-9 and 10 respectively.

4.10 That ~~before~~ after getting the Annexure -10 order

.....7/-

dated 30.5.96 passed in OA NO. 81/96 by this Hon'ble Tribunal the applicant preferred an a review application alongwith this OA for modification of the order dated 30.5.96. The review application in OA NO. 81/96, the petitioner made a categorical claim for review of the said order on the ground that the Hon'ble Tribunal has not consider the merit of the case more specifically passed the order without lifting the veil by not issuing notice to the respondents to show cause on the said case. The further claim of the applicant on that review application is that the Hon'ble Tribunal has not taken into consideration the circular governing the filed of transfer on tenure posting.

4.11 That the applicant submits that the respondents that have passed the Annexure-9 memorandum stating simply/the case of the applicant has been consider sympathetically without considering the facts that the applicant is the senior most Wireless Supervisor in ISPW Station Dispur. Again the respondents while passing the said order has not also consider the facts and guidelines (ANNEXURE-2).

4.12 That the applicant in his every representations mentioned above has made a categorical prayer for considering his case on medical ground but contrary to that the respondents has transferred him to Patna.

4.13 That the petitioner after receipt of Annexure-9 order made a representation to the respondents No.2 praying for 90 days time to prepare T.A. Bills etc. but the respondents with a malafide intention has transferred his account containing TA Bills etc to Patna. That the applicant further submits that by transferring his account to Patna the respondents have shown their malafide attitude. In any case if the petitioner is not getting

his salaries including T.A. Bills etc in Gauhati Station at Dispur the petitioner will suffer irreparable loss and injury.

4.14 That the petitioner has made out a Prima Facie case of malafide and colourable exercise of power by the respondents. If the petitioner is transferred and released from his present place of posting the petitioner immediately will lose his opportunity of making representation for choice place of posting because as per the circular mentioned above a person can only represent ~~hi~~ regarding his choice place of posting from only a tenure place of posting. In any view of the matter the respondents have acted illegally and balance of convenience lies very much in favour of the applicant. If this Hon'ble Tribunal does not stay the impugned order of transfer, the applicant will suffer irreparable loss and injury and the same will be in violation of Constitutional mandate.

4.15 That this application is made bonafide and ~~for~~ to secure the ends of justice.

~~4.16~~  
5.

GROUND FOR RELIEF WITH LEGAL PROVISIONS: -

5.1 For that the malafide and colourable exercise of power is the foundation of the impugned order and the same is not sustainable in the eye of the law.

5.2 For that the impugned transfer order is violative of their own signal (Annexure-2) and is entitled to be set

set aside and quashed.

5.3 For that the impugned Memorandum vide Annexure-9 is a non speaking one, without any reason and the same is contrary to the procedure of their own office. In the said Annexure-9 Memorandum the respondents had failed to consider the facts of his seniority position in his working station.

5.4 For that the Annexure-10 order dated 30.5.96 passed by this Hon'ble Tribunal is liable to be reviewed as the same has been passed in absence of any show cause by the respondents thereto.

5.5 For that in any view of the matter the impugned orders are not maintainable and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:-

That the applicant declares that he has exhausted the remedies available to him.

7. MATTERS NO PREVIOUSLY FILED OR PENDING WITH ANY COURT:-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

.....10/-

-10-

8, RELIEFS SOUGHT FOR:-

- 8.1 To set aside and quashed the impugned orders.
- 8.2 To direct the respondents to transfer the applicant to Calcutta i.e, his choice place of posting.
- 8.3 To direct the respondents to dispose of the representations of the applicant with detailed order.
- 8.4 To direct the respondents not to release the applicant from his present place of posting.
- 8.5 Cost of the application.
- 8.6 Any other relief/s to which the applicant is entitled under the facts and circumstances of the case.

9.0 INTERIM ORDER PRAYED FOR:-

The humble applicant prays for an interim order directing the respondents not to give effect to the impugned orders and further he prays before this Hon'ble Tribunal for another interim order directing the Respondents not to release him from his present place of posting pending disposal of this application.

10. The applicant prays for a permission from this Hon'ble Tribunal to advance his case personally.

11. PARTICULARS OF THE I.P.O.:-


- i) I.P.O. No :- 8 09 346030
- ii) Date :- 21-6-96
- iii) Payable at:- Guwahati.

12. LIST OF ENCLOSURES:-

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

I, Shri L.C. Manna, at present working as Wireless Supervisor in the office of Inter State Police Wireless Station, Dispur, Guwahati-6 do hereby solemnly affirm and ~~state as follows~~ verify that the statements made in para 1 to 4 and 6 to 12 are true to 1) my knowledge and those made in para 5 is true to my knowledge as per my legal advice and I have not suppressed any ~~material~~ material/facts.

And I sign this verification on this 21<sup>st</sup>  
Day of June 1996.

  
L. C. MANNA

.....

Annexure 48 12/17/93

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

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

Dated the 12 Feb, 1993.

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

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

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

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

Copy to:-

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

*(Signature)*

TKS PNJ/JSR/CHG/DPR/GTK/ITN/AZL DE DLI 2,2,22,2,2,2,2,2,  
NR.....751-757 GR.....150

TO S. S. ALL ISPM STATION  
INFO ALL ZONAL OFFICERS  
FM DIR POL WIR

NO.C.-11032/1-3(GT)/95-COM 05-12-1995 UNCLASS

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

THI - 1800

V. CHOKRA

DELIVERED ON 05-DEC-1995 20:24 HRS.

\*\*\*\*\*

*Attache  
A/Dir*



To

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

Through Proper Channel

Sub : Request for transfer at ISPW Station Calcutta  
on completion of tenure at NE Station (Dispur)  
and also on Medical ground.

Sir,

Referring to the HQRS Signal vide No. C 11032/1-3  
(GT)/95-COM dated 5/12/95 I request to your good offices for  
my transfer at ISPW Station Calcutta.

The following inferences are drawn for your kind  
attention and consideration thereof. That Sir, as a Station  
Senior wireless supervisor I am the senior most W/S in this  
station. Secondly I left Calcutta Station in the early part  
of the year 1979 only after two and half years stay and since  
then the long 17 years passed (Seventeen Years). During those  
17 years I have been transferred to a number of different  
Stations which included 2 NE Stations and one Non-popular Stn.  
I have never been considered for Calcutta which was of course,  
my first choice.

Moreover I have been under the treatment of a  
consultant psychiatrist since 5/6 year at Calcutta for which  
I go (will have to go) for medical check up regularly at  
regular interval as per the direction of my attending  
physician thereby causing a serious financial hardship too.

Covered by the ...  
... ..

Contd...p/2.

*[Handwritten signature]*

15  
: 2 :

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

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

With regards.

Thanking you.

Yours faithfully,



( L.C. Manna )

W/S ISPW Dispur

(11/12/95)

-x-

15

15

Annexure 4

16 12

To

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

SUB : Request to transfer at ISPW STN Calcutta

Honourable Sir,

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

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

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

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

Contd.....2

*Handwritten signature*

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

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

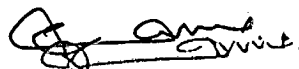
Thirdly, my 2/3rd service is passed and I have no settlement at all to accomodate my family and it is very much essential to construct a house for that I have already submitted all the relevant papers to H.Q. and it is about to get the sanction, if I could not do now then I would be no where.

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

With kind regards

Thanking you,

Yours faithfully,

  
( L.C. MANNA )

W/S ISPW, Dispur

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

Photostat copy :

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



Government of India

Ministry of Home Affairs

Directorate of Coordination

(Police Wireless)

Block No.9 CGO Complex

Loghi Road, New Delhi-3

Dated the 8th May, 1996

Office Order Part-II

(No. 72/96)

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

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

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

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

Copy to :

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

SD/ K.K. Sharma )  
Deputy Director (Admn)

copy.

Annexure 5 18

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

Annexure - 6

19

Sh. Kamallesh Deka

Hon'ble Director

Directorate of Co-ordination (Police Wireless)

Ministry of Home Affairs

Block-9, CGO Complex

Lodhi Road New Delhi-3

SUB :

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

Hon'ble Sir,

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

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

With kind regards,

Dated : 09.05.96

Yours faithfully,

(L.C. MANNA)

W/S

ISPW Dispur

Copy to : 1. JD DCPW

2. Admn. Officer, DCPW

( Through Proper Channel )

3. Copy in Advance to JPW DPT  
by S/Post

206  
23

To

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

Through Proper Channel

Sub : Request for transfer at ISPW Station Calcutta  
on completion of tenure at NE Station (Dispur)  
and also on Medical ground.

Sir,

Referring to the HQRS Signal vide No. C 11032/1-3  
(GT)/95-COM dated 5/12/95 I request to your good offices for  
my transfer at ISPW Station Calcutta.

The following inferences are drawn for your kind  
attention and consideration thereof. That Sir, as a Station  
Senior wireless supervisor I am the senior most W/S in this  
station. Secondly I left Calcutta Station in the early part  
of the year 1979 only after two and half years stay and since  
then the long 17 years passed (Seventeen Years). During those  
17 years I have been transferred to a number of different  
Stations which included 2 NE Stations and one Non-popular Stn.  
I have never been considered for Calcutta which was of course,  
my first choice.

Moreover I have been under the treatment of a  
consultant psychiatrist since 5/6 year at Calcutta for which  
I go (will have to go) for medical check up regularly at  
regular interval as per the direction of my attending  
physician thereby causing a serious financial hardship too.

*Comparison of N.C. Memo etc  
myself to be done.*

*Attenu*

Contd...p/2.

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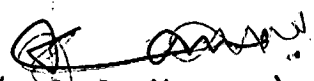
Relating to the option for 3 choice I tender my apology and to state that on all those earlier cases of transfers I gave option for 3 choice but I have never been considered for Calcutta (which was my first choice) in the exigencies of Medical Treatment even not considered on humanitarian ground when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

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

With regards.

Thanking you.

Yours faithfully,

  
( L.C. Manna )  
W/S ISPW Dispur  
(11/12/95)

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*Alfred  
Dun*



To

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

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

SUB : Request to review the case of my Transfer.

Through Proper Channel

Respected Sir,

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

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

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

Contd.....2

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

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

With respectful regards

Thanking you sir,

Yours faithfully

  
( L.C. MANNA )

W/S ISPW, Dispur

Dated : 9.5.96

Copy to : 1. Admn. Officer, DCPW

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



24 27  
To

The Director,  
Police Telecommunication  
Directorate of Coordination  
(Police Wireless)  
Ministry of Home Affairs,  
C.G.O. Complex, Lodi Road,  
New Delhi - 110003.

For kind attention of

Shri M.S. Popli, Joint Director, DCPW.

THROUGH PROPER CHANNEL.

Sub Request despatch of Transfer Guide Lines/G.O.I.  
Instruction Referred as under the Director of  
Hon'ble Court order.

Respected Sir,

C11032/1-3(GD)95-<sup>With reference to the transfer order vide signal No.</sup>  
.....<sup>and in continuation of my representation dated</sup>  
11/12/95 and 27/3/96 (handed over Directly to the Hon'ble  
Director on his visit to Dispur ).

Harassment, unjust. Unequitable treatment meted out  
Against me as well as mental pressure exerted all along despite  
my earnest and best efforts made to the Authority for justice.  
Hende I have been constrained to Redress my Grievances through  
the Luminary of the legal institution and I want to adduce my  
case. As such you are hereby Requested to Despatch at the  
earliest the following.

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

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: 2 :

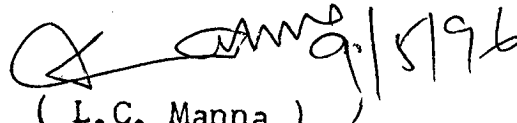
- 1) A.T. Act 1985 Ss 14(1) and 22 (3) (f) (1987) 4 ATC 721
- 2) A.T. Act 1985 Ss 2 (q) and 15 (1987) f ATC 677
- 3) A.T. Act 1985 Ss (14)(1) (1987) 5 ATC 893
- 4) Application of M.H.A. Notification No. 108/54-Ests (A) dated 20th November, 1954 (As a spl. reference I will pray legal Propriety in respect of my transfer appeal from Gangtok to Calcutta.
- 5) Application of Constitution propriety under Article 311 (2) regarding transfer-

Request to Despatch the same as requested reg.  
TRANSFER Policy to Redress my Grievance through JUDICIARY.

With Respectful regards.

Thanking you.

Yours faithfully,

  
( L.C. Manna )  
W/S ISPW Dispur.

Copy to :-

Admn. Officer  
D.C.P.W. New Delhi.

-x-

To

26-96

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

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

Through Proper Channel

Respected Sir,

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

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

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

With kind regards.

Thanking you sir,

*Drawn & sent*  
Dated : 9.5.96

Yours Faithfully,

*[Signature]*  
( L.C. Manna )

W/S ISPW Stn., Dispur

Copy to : 1. JD DCPW

2. Admn Officer, DCPW

3. Information to Hon'ble Director by post.

Annexure 7

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To

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

(For Kind attention of Shri M.S.Popli, Joint Director DCPW)

Through Proper Channel

Sub : Ref. to transfer order of W/S Vide signal No.  
C 11032/2 (GT)/96-Com and O.O. 72/96 dated  
8.5.96 with ref. to my application dated 11/12/95  
and that of request made to Hon'ble Director with  
application handed over by hand to him on 27/3/96  
(official visit )

Hon'ble Sir,

With respectful gesture I do hereby draw your kind attention on the subject cited as above and to that effect kindly recall my express telegram sent by name to Sh. M.S. Popli, Joint Director D.C.P.W. on 8.5.96 followed by details of application in advance to the Hon'ble Director by name on 9.5.96 by Speed Post simultaneously the relevants copies of document submitted through proper channel separately to the accounts officer Sh. R.V. Raghavan of D.C.P.W. with specific course of action in his respective arena.

Contd....p/2.

*[Handwritten signature]*

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I may kindly be forgiven my elucidation about the word public interest and administrative reason/interest for its effectuates which is in the very fabric of the constitution and that of the Rule of Law is to be revered and respected with fullest mind of application. Public interest and administrative reason in all respect is fully safeguarded by the constitutional propriety and the rule of law in respect of seniority, grievances and all that I must dare to venture the application of the word compassionate ground (for attention of Hon'ble Sh. M.N.S. Nanduswamy Assistant Director Communication) is not supposed to be or appears to be meant for the Delhi Posted fellows only in whose case transfer is counted but not the out stations for A D (C) you would loose arguments/action because I myself was a candidate which eventually not taken as a transfer in the year 1989 even I completed my tenure more than two years in Bhopal I was certainly deprived of the privilege. I can cite score of example people coming from Delhi and going back to Delhi within a year or even after 6 months.

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

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*Handwritten signature*

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For all these connections and in my representations the Honourable court of tribunal vide act 1985 SS (T) (4) (1), 19 (1), 22 (1). 22(3)(F) (G) (H) 26.27.

Cat procedure rule 1987 R 7 section 19 (1). 22 (3) (F) (G) and (B) and 27 section 3 (Q) and 27 Is covered which is final and binding as per the pronouncement of the C.A.T. order vide No. CM-11019/37/85-AT dated 13th August, 1985. Your good offices is hereby requested to look in the matter in the precept of legal jurisdiction since Hon'ble Tribunal is not a Govt. functionary Judgment/order is not covered by explanation.

With most respectful regards.

Thanking you Sir,

Yours faithfully,

Dated : 14.05.96.

  
( L. C. Manna )  
W/S ISPW Dispur.

Copy to :-

1. D.D. I.S.P.W.
2. Admn. Officer D.C.P.W.
3. Sh. R.V. Raghavan Accounts Officer D.C.P.W.
4. Sh. Swami A.D (C)
5. S.S. Sh. M.K. Mandal I.S.P.W. Dispur, Reg. Relieve by hand.
6. Sh. R. Ekka Ead/ Nonal Officer Dispur, regarding relieve by hand.
7. Sh. K. Deka Honourable Director, D.C.P.W. for kind information.

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Annexum - 8 3  
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To  
The Hon'ble Director,  
Directorate of Co-ordination (Police Wireless)  
Ministry of Home Affairs  
Block-9, CGO Complex  
Lodhi Road, New Delhi

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

Through Proper Channel

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

Hon'ble Sir,

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

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

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

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

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

Ref A.T. Act 1985 S14

Hiralal Dubey Vs Jokhu Singh (1987) 4 ATC 521

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

Contd.....3

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

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

would &

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


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

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

With most respectfull regards.

Thanking you Sir,

Yours faithfully,

  
( L.C. MANNA ) 17-5-96  
W/S

Enclosure : 1. Photostat copy of the Transfer Order.

2. Photostat copy of the Representation dated 9.5.96

Copy to :- 1. Shri R. Ekka, EAD/Zonal Officer, Dispur.

2. Shri M.K. Mondal, S.S. ISPW, Dispur.

3. Shri K. Deka the Hon'ble Director, DCPW, MHA, New Delhi for kind information.

*Handwritten notes:*  
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for  
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A.15014/1/96-DP(Zone)  
Government of India  
Ministry of Home Affairs  
Directorate of Coordination  
Police Wireless

I.S.P.W. Stn. Dispur  
Date : 14-06-96

MEMORANDUM

With the Reference to the Hqrs. Signal C.11032/2/96-COM (PF) Dtd. 11-06-96 I am directed to say that your Application Regarding Transfer to I.S.P.W. Station Calcutta has been Considered Sympthicalcaaly by the Director. And cannot be acceded due to the Administrative Reason.

  
Extra. Asstt. Director  
অ. অ. পুলিশ স্টেশন  
ier State Police Wireless,  
Dispur (Assam)

To : Shri L. C. Manna, W/Supr.  
I.S.P.W. , Stn. Dispur.

Copy To : The Asstt. Director (Comm.)  
D. C. P. W.  
New Delhi

*Admission*

Annexure-10  
33

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI.5

D.A.No.81/96

Sri L.C.Ranna . . Applicant.  
vrs.

U.O.I.tore . . Respondents.

P R E S E N T

THE HON'BLE SRI G.L.SANGLYNE, MEMBER (ADMIN)

THE HON'BLE SRI D.C.VENMA, MEMBER (JUDL)  
For the Applicant. In Person.

For the Respondents, Mr. S. Ali, Sr. C.G.S.C.

30.5.96

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

Heard the applicant for admission. The application is stated to be not against any particular order but the relief sought is for treating the transfer from Dispur to Patna as cancelled. Therefore, in fact, the applicant is challenging the transfer order No.A.15014/1/96-Admn.II dated 8.5.96 (Annexure-I). The claim of the applicant in this application is that he should be

contd...



Accepted  
S. Ali

(34)

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30.5.96

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

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

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



Certified to be true Copy  
প্রমাণিত প্রতিলিপি

COURT OFFICER

কোর্ট অফিসার  
Central Administrative Tribunal  
কেন্দ্রীয় প্রশাসনিক আদালত  
Guwahati Bench, Guwahati-5  
গুৱাহাটী ন্যায়পীঠ, গুৱাহাটী-৫

Sd/MEMBER(A)  
Sd. MEMBER(Judl)