

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

PA No. 168 196

Sr. Debangshu Deb Applicant(s)

Union of Andhra Pradesh Respondent(s)

Mr. R. Das, K.K. Nandi Advocates for the applicant(s)  
S. D. Roy.

Mr. S. Ali, A. Chellu Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO No. 3467/96 Dated 19.8.96

*R. Das*  
Dy. Registrar, 20/8

22.8.96

Learned counsel Mr R.Das for the applicant. Learned Sr.C.G.S.C Mr S.Ali, for the respondents.

Mr R.Das seeks to withdraw this application with liberty to file fresh application. Prayer allowed.

Application is disposed of on withdrawal.

Page 59 is not eligible  
M 20/8

Pl. comply the order dated 22.8.96.

M 23/8/96

23/8/96

Copy of order issued to the L/Advocates of the parties vide D.No 2830 & 2831 D, 28.8.96

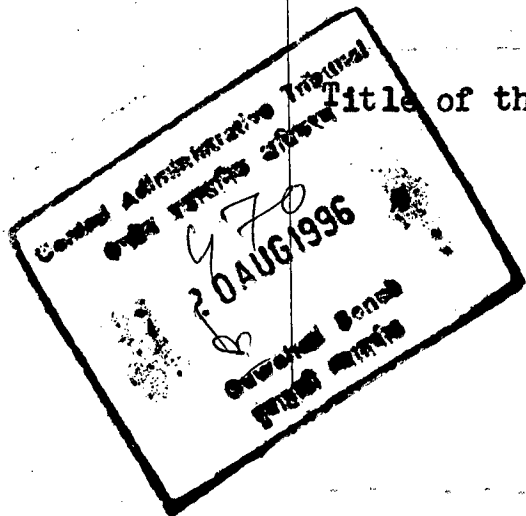
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Member

pg

3 96/8/96  
22

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.



Title of the case :- Shri Debangshu Deb ... Applicant  
- Versus -

Union of India & ors ... Respondents

O.A. NO. 168 OF 1996.

I N D E X

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*Debangshu Deb*

Signature of the Applicant

For use in Tribunal's Office :

Date of Filing or date of receipt by post ... 20.8.96

Registration No. ... 168/96

Signature for Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

Filed by the  
Applicant -  
Debangshu Deb  
through -  
S. J. Khan,  
20/8/96  
Advocate for  
the Applicant

O.A. NO. 168 OF 1996.

Shri Debangshu Deb,  
Son of Late Jitendra Ch. Deb,  
Field Asstt. (General Duty),  
I.D.No. - JD 01845-V,  
Office of the Deputy Commissioner,  
Govt. of India, Special Bureau,  
Tezpur, a resident of -  
C/o Begum Daizy Aziz,  
House No. 2, Rubber Bagan,  
P.O. Tezpur - 784001,  
District : Sonitpur, Assam.

... APPLICANT

- Versus -

1. The Union of India,  
represented by the Secretary  
to the Govt. of India,  
Cabinet Secretariat,  
Room No. 7, Bikaner House (Annexe),  
P.O. New Delhi - 110011, India.
2. The Additional Secretary (Pers)  
Govt. of India, Cabinet Secretariat,  
New Delhi .
3. The Joint Secretary (pers.),  
Govt. of India, Cabinet Secretariat,  
8-B, South Block, New Delhi.
4. The Under Secretary (Pers II),  
Govt. of India, Cabinet Secretariat,  
8-B, South Block, New Delhi.

5...

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D. P. Singh  
P. Singh

5. The Director (Pers.),  
Govt. of India, Cabinet Secretariat, Bikaner House, Room No. 7,  
Shahjahan Road, *delhi*  
New Delhi - 110011.

SECRET POSTAL ADDRESS FOR  
COMMUNICATION to Serial No. 3 to 5  
above, on outer address in the  
Postal Envelope is as follows :-

" Administrative Officer \*  
Govt. of India, Cabinet Secretariat,  
Room No. 7, Bikaner,  
New Delhi - 110011."

6. The Additional Commissioner,  
Special Bureau, Govt. of India,  
Nongthymmai, Motinagar,  
P.O. Shillong - 793014,  
Meghalaya.
7. The Assistant Commissioner,  
Administration, Govt. of India,  
Special Bureau, Nongthymmai,  
Motinagar, P.O. Shillong-793014,  
Meghalaya.
8. The Deputy Commissioner,  
Govt. of India, Special Bureau  
Mazgaon (near Purua Kalimandir),  
P.O. Tezpur - 784001,  
District : Sonitpur, Assam.
9. The Assistant Commissioner (Admn.),  
Govt. of India, Special Bureau,  
P.O. Tezpur - 784001,  
District : Sonitpur, Assam.

10. The Section Officer,  
Govt. of India, Special Bureau,  
P.O. Tezpur - 784001,  
District : Sonitpur, Assam.

.... RESPONDENTS

DETAILS OF APPLICATION :

L. Particulars of the order against which the application is made :

- (a) Order of stoppage of monthly pay and allowances passed by Shri P. Borah, Asstt. Commissioner (Admn) Govt. of India, Special Bureau, Tezpur vide No. 6/2/93-TEZ (ESTT)-50, dated 5.1.94.
- (b) Posting on transfer vide office order No. 168/Pers-2/94 passed by Shri P.K. Mathur, Under Secretary (pers-II), Under No. 3/2/94-Pers-2/4014, dated 31.3.94 transferring from SB Tezpur to Hqs. New Delhi.
- (c) Order No. 23/3/94-Pers-2/12828 dated 10.9.95 issued by Shri Gurinder Singh, Joint Secretary (pers) and Disciplinary Authority imposing the penalty of "Censure".
- (d) Memorandum No. 6/2/93-TEZ (ESTT)-1835 dated 15.3.96 issued by Shri K.V. Reddy, Deputy Commissioner, Special Bureau, Tezpur informing that the appellate authority has found no reason in reversing the decision of the Disciplinary Authority, together with the order passed in Memo No. 23/3/95-Pers-2/2364 dated 4.3.96 by the Additional Secretary (pers), Govt. of India Cabinet Secretariat, New Delhi (Copy of the order dtd. 4-3-96 not served on the applicant till date). *copy*

(e)...

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Duloy Singh

- (e) ~~Spixia~~ Memorandum issued by Shri S.K.Jain, Section Officer, Special Bureau, Govt. of India, Tezpur under No. 6/2/93-TEZ(ESTT)-4498, dated 25.7.96 rejecting the prayer for posting at Tezpur or Guwahati on the ground of no fresh ground.

**2. JURISDICTION OF THE TRIBUNAL :-**

The applicant declares that the subject matter of the orders against which he wants redressal of his grievance is well within the jurisdiction of the Tribunal as per provisions under section 14(1) of the Administrative Tribunals Act, 1985.

**3. LIMITATION :-**

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985 and also due to the urgency in the matter for arbitrary and illegal withholding of the monthly salaries of the applicant including the arbitrary and illegal transfer orders impugned herein.

**4. FACTS OF THE CASE :-**

- (A) That the applicant after selection on the basis of physical test and oral interview was duly appointed and posted as Field Assistant (General Duty) in the Office of the Commissioner, Govt. of India, Special Bureau, Nongthymmai, Motinagar, P.O.Shillong-793014, Meghalaya in January, 1989. He joined the post on 6.2.89 temporarily in the scale of pay of Rs.950-1400/- p.m. alongwith usual allowances.

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Subany Kumar Deb

D. S. Singh

(B) That the applicant while he was serving as such at SB Shillong was transferred and posted at SB Aizawl vide officer order No. 86/89 issued ~~in~~ under No. 2/12/84-SHG (EST-II)/3511 dated 23.2.1989 issued by Shri S.P.Kotnala, Deputy Commissioner (A), Special Bureau, Govt. of India, Shillong - 14.

Thereafter the applicant was again~~st~~ transferred and posted to Champai vide office order No. 7/1991 issued by Shri R.K.S.Joshi, Deputy Commissioner, Special Bureau, Govt. of India, Aizawl vide No. 2/3/91/AIZ (EST)-1058 dated 1.5.91.

(C) That thereafter the applicant was transferred and posted to SB Tezpur vide office order No. 783/92 issued by Shri K.M.Kartha, Asstt. Commissioner (Admn.), under No. 2/3/92/SHG (ES-TT)-18798 dated 21.12.92. The applicant was relieved from FIP Champai vide Memorandum dated 6.2.93 and on 6.2.93 itself (Forenoon) ~~with~~ a direction to report to DC S B Tezpur. The Memorandum was issued by Shri R.Thangzova, Deputy Field Officer, Special Bureau, Champai.

A copy of the aforesaid office order No. 783/92 dated 21.12.92 is annexed herewith and marked as Annexure - 1.

(C-1)  
(\*) That the applicant while he was serving at Tezpur (Assam), he was against transferred from SB Tezpur to SB Zero (Arunachal Pradesh) vide office order No. 40/SBT/93, dated 2.3.93 issued under No. 36/5/88-TEZ (ESTT)-1163.

A copy of the aforesaid order No. 40/SBT/93 dated 2.3.93 is enclosed herewith and marked as Annexure - 2.

(D)...

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(D) That the applicant was having some family problem owing to the ailment of his aged mother, who is a cardiac-patient and also with his younger sister who had attained marriagable sister, and therefore, he made a representation addressed to the Deputy Commissioner, Special Bureau, Tezpur on 5.3.93 praying therein to allow him to stay at Tezpur for at least a single tenure on humanitarian grounds.

A copy of the aforesaid representation dated 5.3.93 is annexed herewith and marked as Annexure - 3.

(E) That thereafter vide office order No. 168/Pers-II/94- dated 31.3.94 issued by Shri P.K.Mathur, Under Secretary (Pers-II) i.e. the Respondent No. 4 under No. 3.2.94-Pers-II/4014, the applicant was again transferred and posted with immediate effect from SB Tezpur to Headquarter New Delhi.

In this context, it may be pointed out that in the memo of the aforesaid order the Respondent No. 8 was requested to ensure that the representation if any is forwarded to Pers Division in terms of the existing transfer policy guidelines and the official advised to act in accordance with the standing instructions.

A copy of the aforesaid transfer order dated 31.3.94 is annexed herewith and marked as Annexure - 4.

(F) That on receipt of the aforesaid transfer order dated 31.3.94 the applicant addressed a representation dated 22.4.94 (through proper channel) followed by a Corringendum dated 25.4.94 to the Respondent No. 2, wherein he has clearly stated that from the date of his joining the service on 6.2.89 he was posted to Shillong, Aizawl and FIP Champai (at the training at Salonibari) he sustained severe injury on his left leg i.e. knee and ~~waist bone and had resultant knee and back pain. He consul-~~  
ted...

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D. B. Singh

waist bone and had resultant knee and back pain. He consulted Dr. Rodingiana, M & H.O. at Champai Civil Hospital, who referred him to Gauhati Medical College for treatment. Considering the facility of treatment he opted for transfer to any places at Tezpur, Guwahati and Dhubri.

He has also stated therein that thereafter he was transferred to SB Tezpur (Assam) and just few days thereafter he was transferred to Zero (Arunachal Pradesh) most arbitrarily fully knowing the factum of his knee injury and his request for retaining him to any of the three places for better treatment ignoring his <sup>claim on</sup> medical ~~ground~~ <sup>as a</sup> ground. But without regard to the same the Authorities had again transferred him to New Delhi without paying any heed to his problem and medical treatment, which needs immediate attention.

However, at Gauhati Medical College, Dr. A.K. Mahanta (Orthopaedics) examined him and advised that he should not go to an area of cold climate, high altitude and also avoid long distance jounies, to take bath by luke-warm water for the sustained injury. The applicant's request was not out of his own accord ~~by~~ but due to medical reasons which is beyond his control.

He also pointed out that the authorities has most arbitrarily withheld his pay and as such, he is passing his days with extreme penury. It is therefore prayed for redressal of his grievances.

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A copy of the aforesaid representation dated 22.4.94 and the corrigendum dated 25.4.94 to the representation are annexed herewith and marked as Annexure 5 and 5(a) respectively.

(G) That the Applicant states that after he joined at SB Tezpur, he submitted many representations to the Authorities for cancelling his transfer to SB Zero and also to Headquarter New Delhi. The representations were addressed to various Authorities on 12.4.93, 12.4.93, 3.5.93, 14.5.93, 9.6.93, 15.6.93, 18.6.93, 30.8.93, 27.9.93, 27.10.93, 1.11.93, 2.11.93, 4.11.93, 17.12.93, 22.12.93, 27.12.93, 31.12.93, 15.1.94 and the Authorities sent replies from time to time on 23.2.93, 2.4.93, 28.4.93, 3.5.93, 27.8.93, 7.9.93, 27.8.93, 3.11.93 respectively. Many <sup>of them</sup> Some of the representations are replies to the order/Memoes etc. of the concerned Authorities.

(H) That the applicant states that vide Memo No. 6/2/93-TEZ(ESTT)-50, dated 5.1.94 the Respondent No. 9 stopped payment of his monthly salary and allowances. On 15.1.94 the Applicant addressed a representation to Respondent No.8 praying to release his pay, allowances, arrear D.A. and bonus etc.

A copy of the aforesaid Memo dated 5.1.94 stopping his salary etc. and his representation dated 15.1.94 are annexed herewith and marked as Annexure - 6 and 6(a) respectively.

(I)...

Deborah Singh

(I) That the applicant states that thereafter vide No. 6/2/93-TEZ (ESTT)/1700 dated 11.3.94 issued by Respondent No. 8 ~~informed~~ <sup>was informed</sup> the applicant ~~ix~~ that his ~~deamour~~ <sup>deamour</sup> warrants action under C.C.S. (C.C.A) Rules, 1965.

The applicant was informed amongst others vide No. 6/2/93-TEZ (ESTT)/1975, dated 28.3.94 issued by Respondent No. 8 that after joining at SB Zero, if he finds his medical problem getting worse, he may make further correspondences accompanied by medical certificates.

The applicant was further informed vide No. 6/2/93-TEZ (ESTT)-2104 dated 20.4.94 issued by the Respondent No. 9 about the decision on his representation to the following effect :

" The case was submitted to OSD/A.S. (PERS). ~~ix~~ It has been decided to transfer Shri Deb from SB Tezpur to Hqs New Delhi. Shri Deb can avail better medical facilities."

And consequent upon his transfer to Hqr. New Delhi, his transfer to SB Zero was cancelled vide office order No. 89/SBT/94, dated 9.5.94 issued under No. 6.2.93-TEZ (ESTT)-2449, by Respondent No. 9.

(J) That the applicant states that he made representations before the concerned Authorities on 15.1.94, 17.1.94, 9.3.94, 15.3.94, 31.3.94, 2.5.94, 16.5.94, 14.7.94, 18.8.94, 23.8.94, 5.9.94, 28.10.94, 28.11.94, 7.1.95, 20.1.95, 6.2.95 and 7.3.95 and the concerned Authorities to sent replies and/or orders from time to time vide their letters dated 9.5.94, 27.4.94, 29.8.94, 12.1.95, 1.2.95 and 24.2.95. <sup>Many</sup> Some of the representations are replies to the memoes/orders passed by the concerned Authorities.

In this context it may be pointed out that vide No. 6/2/93-TEZ (ESTT)-216, dated 12.1.95 issued by the Respondent No. 9 ~~he was informed that after his release~~

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Respondent No. 9 he was informed that after his release from SB Tezpur on 3.5.93, his new controlling officer is the Under Secretary (Pers - II) at Hqr. i.e. the Respondent No. 4.

Vide No. 6/2/93-TEZ(ESTT)-572, dated 1.2.95, the Respondent No. 9, informed that he may represent his case before the new controlling officer i.e. the Respondent No. 4.

Vide No. 6/29/88/Pers-2/1755, dated 24.2.95, the Respondent No. 4 informed the applicant that he should comply with the transfer order and report to Hqs. at New Delhi. He was advised not to send representations directly to Senior Officers at Hqs. which is violative of CCS (Conduct) Rules.

Copies of the aforesaid communications from Respondent No. 9 and Respondent No.4 are annexed herewith and marked as Annexure - 7, 7(a) and 7(b) respectively.

(K) That the applicant states that thereafter vide No. 6/2/93-TEZ(ESTT)-1503, dated 19.3.95, he was communicated Hqs. Memo No. 6/29/88-Pers-2, dated 9.3.95 issued by the Respondent No. 3 informing that an Inquiry is proposed to be held against him under Rule 14 of the CCS(CCA) Rules, 1965 for imposing major penalty ~~against~~ enclosing therewith (a) Statement of articles of charge (b) Statement of imputation of misconduct (c) List of documents and (d) List of witnesses.

The applicant sent a reply addressed to Respondent No. 3 ...

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No. 3 on 25.3.95 through proper channel.

The applicant states that vide No. 23/1/95-Pers-2/4575, dated 1.5.95 issued by Respondent No. 3, Shri P. Borah, Asstt. Commissioner (Respondent No. 9) was appointed as Presenting Officer. Vide No. 23/1/95-Pers-2/4578 dated 1.5.95 issued by the Respondent No. 3, Shri Rajesh Mishra, Deputy Commissioner (Respondent No. 8) was appointed as Inquiring Authority. Vide No. 23/1/95-Pers-2/5249, dated 15.5.95 issued by the Respondent No. 3 Shri P. Borah, who was appointed earlier as Presenting Officer vide letter dated 1.5.95 is listed as one of the witnesses and a new Presenting Officer Shri B. Bhattacharjee, Asstt. Commissioner was appointed as P.O. ~~xxxxx~~ vice Shri P. Borah, in the aforesaid Departmental Enquiry against the applicant.

The aforesaid departmental proceeding is still pending disposal.

(L) That the Applicant states that vide No. 2/2/93-TEZ (ESTT)-4620, dated 14.7.95, issued by the Inquiry Officer (Respondent No. 8) the applicant was communicated Memorandum No. 23/3/95-Pers-2/10579, dated 30.6.95 under Rule 16 of the C.C.S. (C.C.A.) Rules, 1965 for imposing a minor penalty on him. A statement of Imputations of Misconduct against the applicant was also enclosed ~~here~~ therewith.

A copy of the aforesaid Memo dated 14.7.95 (with all enclosures i.e. Memo dated 30.6.95 and statement of imputations) issued by the Respondent No. 8) ~~xxxxx~~ is enclosed and marked as Annexure 8, 8(a) and 8(b) respectively.

(M)...

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Debanjan Dasgupta

(M) That the applicant states that in response to the aforesaid Memo dated 30.6.95 and 14.7.95, he filed a representation dated 17.7.95 addressed to the Respondent No. 3 and prayed for consideration of his case on medical ground and transfer him to SB Tezpur.

A copy of the aforesaid representation dated 17.7.95 is annexed herewith and marked as Annexure - 9.

(N) That the applicant states that thereafter the Respondent No. 3 issued order No. 28/3/95-Pers-II/12828 dated 10.9.95 and imposed minor penalty of "Censure" on the applicant in exercise of power conferred under Rule 15(3) of the CCS (CCA) Rules, 1965.

It has been observed in the aforesaid order that the undersigned is of opinion that the charge against the applicant as against the memo of charges dated 30.6.95 is proved on the basis of documentary evidence on record.

A copy of the aforesaid order dated 10.9.95 is annexed herewith and marked as Annexure - 10.

(O) That thereafter the Respondent No. 8 vide Memorandum No. 6/2/93-TEZ(ESTT)-302 dated 11.1.96 informed the applicant that with reference to his representation dated 5.10.95 addressed to Respondent No. 3, he is advised hereby to file an appeal if he feels dissatisfied with the ...

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with the order passed by the Respondent No. 3 as Disciplinary Authority.

A copy of the aforesaid memo ~~imposing~~ dated 11.1.96 is annexed herewith and marked as Annexure - 11.

(P) That the applicant states that with reference to the aforesaid memo dated 11.1.96 the applicant filed a Departmental appeal on 20.1.96 before the appellate authority through proper channel which was addressed to Respondent No. 3.

A copy of the aforesaid Departmental appeal dated 20.1.96 is annexed herewith and marked as Annexure - 12.

(Q) That thereafter the respondent No. 8 vide Memorandum No. 6/2/93-TEZ (ESTT) -1502 dated 28.2.96 communicated to the applicant a copy of the Hqs. memo No. 23/2/96-Pers-II/1847, dated 19.2.96 issued by Respondent No. 5 wherefrom it appears that it ~~is~~ is proposed to take another action against the applicant under Rule 16 of the CCS(CCA) Rules, 1965 ~~is~~ for imposing another minor penalty and along with the aforesaid memo the respondent no. 5 has also sent a statement of imputations of misconduct and the applicant was called upon to submit his replies/representation within 10 days failing which the order would be passed ~~exparte~~ against him. The said proceeding is pending disposal till date.

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Dulchand Shrivastava

A copy of the aforesaid communication dated 28.2.96 along with its enclosures therein are annexed herewith and marked as Annexure - 13, 13(a) and 13(b) respectively.

(R) That the applicant states that vide memorandum No. 6/2/93-TEZ (ESST)-1835 dated 15.3.96 issued by Respondent No. 8 ~~informed~~ <sup>was informed</sup> the applicant <sup>and/or</sup> that his representation and/or departmental appeal dated 20.1.96 against the order of " Censure " ~~was~~ was put up to the Appellate Authority i.e., Additional Secretary (Pers), Respondent No. 2, and the said authority found no reason in reversing the decision of the disciplinary authority (Respondent No. 3). The order of the appellate authority (as mentioned therein) was reportedly passed under Memo No. 23/3/95-Pers-II/2364 dated 4.3.96, but the copy of the aforesaid order was not received <sup>and/or served to</sup> ~~by~~ the applicant till date.

A copy of the aforesaid memo dated 15.3.96 is annexed herewith and marked as Annexure - 14.

(S) That the applicant has sent a representation dated 15.3.96 which was addressed to the Respondent No. 3 through proper channel i.e. Deputy Commissioner, SB, Tezpur (Respondent No. 8) expressing his dissatisfaction and willingness to ventilate his grievances before the appropriate Court of law.

A copy of the said representation dated 15.3.96 is annexed herewith and marked as Annexure - 15.

(T)...

*Suband Singh*  
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(T) That the applicant states that vide memorandum No. 6/2/93-TEZ (ESTT)-4498 dated 25.7.96 issued by Respondent No. 10, the applicant was informed ~~by Respondent~~ ~~Annexure 16~~ that with reference to his representation and/or departmental appeal dated 20.1.96 for his posting at Tezpur or Guwahati he is intimated that his case has been examined at the highest level and it was decided that his request for transfer cannot be acceded to as there is no fresh ground to justify the cancellation of the transfer order.

A copy of the aforesaid memo dated 25.7.96 issued by respondent No. 10 is annexed herewith and marked as Annexure - 16.

(U) That the applicant hereby files all his medical prescriptions and certificates in connection with the treatment of his injury from 13.2.92 to 1.4.96 for favour of consideration of his just and genuine claim for transfer to SB Tezpur <sup>or Guwahati</sup> on medical ground by this Hon'ble Tribunal for proper adjudication of the case.

Copies of the aforesaid medical prescriptions and medical certificates are enclosed herewith and marked as Annexure - 17, 17(a), 17(b), 17(c), 17(d), 17(e), 17(f), 17(g), 17(h), 17(i), 17(j), 17(k), 17(l), and 17(m) respectively hereof.

(V) That the applicant states that as already stated he succumbed to knee injury while he was posted at Champhai and on joining at SB Tezpur he had to face family problems owing to the treatment of his aged mother (who is a cardiac patient) and also for a marriagable younger sister, as there

is no other ...

Subangshob  
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is no other male member in the family, except the applicant himself. These facts were time to time communicated to the Respondents in reply to their memoes/orders issued from time to time but the authorities ignoring the same most arbitrarily and unreasonably transferred him to ~~SB~~ Headquarter New Delhi just to harass the applicant.

(W) That the applicant states that although there are as many as five persons <sup>[3 S.F.A and 2 E.A. Promoted in Nov/95 from</sup> ~~who are working as Field Assistants~~ (General Duty) <sup>to S.F.A</sup> at SB Tezpur and are similarly situated person like the instant applicant and those persons are most arbitrarily and illegally retained at SB Tezpur for periods ranging from 10 to 15 years in violation of the departmental transfer norms which is grossly discriminatory and ~~violates~~ violates the mandate of Article 14 and 16 of the Constitution of India.

(X) That the applicant submits that he was medically advised (i) not to go to cold and high altitude areas (ii) to take bath with luke-warm water (iii) Avoid long distance strenuous ~~journeys~~ journeys.

He further submits that there will be no dislocation of official ~~in~~ works and/or inconveniences if the operation of the following impugned orders - i.e.,

- (i) transfer order to New Delhi dated 31.3.94 (Ann-exure - 4),
- (ii) stoppage of salary order dated 5.1.94 (Annexure - 6),
- (iii) Minor penalty of 'censure' order dated 10.9.95 (Annexure - 11),
- (iv)...

*Defendant's Plea*  
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(iv) Appellate orders dated 4.3.96 read with order dated 15.3.96 (Annexure - 15) and

(v) Final order of the Appellate Authority dated 25.7.96 (Annexure - 16) -

are stayed by this Hon'ble Tribunal for the sake of proper treatment of the applicant and his family troubles with the cardiac problem of his aged mother on humanitarian grounds.

(Y) That the applicant begs to submit that the matter being extremely urgent owing to finality of the impugned orders, which would come to force immediately, it is a fit case where your Lordships' would be graciously pleased to interfere on humanitarian ground in the interest of justice, otherwise great loss and injury would be caused to the applicant and the same cannot be compensated by money.

(Z) That the applicant's family consisting of a marriagable younger sister, with his aged ailing mother and there is no other able-bodied male member in the family to look after his family at this critical stage of the family, which has been aggravated by his own ailment as stated above.

(Z.1) That the applicant begs to crave leave of this Hon'ble Tribunal to file any other documents and/or reply, that will be required expedient for proper adjudication of the case at the time of hearing of this application.

(Z.2) That this application is made bonafide and in the interest of justice.

6. GROUNDS ...

*Delbon Singh*

6.  GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :-

(I) For that the applicant having a clean service records and is at the infancy of his service career, the Respondents acted arbitrarily and discriminatorily in not considering the grave circumstances under which the applicant has been subjected to as a result of passing of the impugned orders and as such the impugned orders are liable to be set aside and quashed.

(II) For that the impugned transfer orders are violative of the extant transfer norms/rules of the department which were laid down and circulated amongst the staff from time to time especially the tenure norms prescribed interalia for transfer to the effect (vide Memorandum No. 18/8/85-E.2, dated 26.7.85) that " those with less than 10 years of service shall complete their 3(three) years tenure in North Eastern India and ..... and those with more than 10 years service shall complete the minimum tenure of 2(two) years, but the Authorities, have in complete violation of the said transfer norms, had transferred him at SB Tezpur on 21.12.92(Annexure - 1), at SB Zero on 2.3.93 (Annexure - 2) and finally at Hqrs New Delhi on 31.3.94(Annexure- 4) which is violative of the extant rules of transfer and also the same is violative of Article 14 ~~and~~ of the Constitution of India and as such the same is liable to be set aside and quashed.

(III) For that the <sup>Hon'ble</sup> Apex Court including the Hon'ble Gauhati High Court has held in a catena of cases that in a case of repeated transfer violating the norms of transfer, it can be inferred that the action of the ~~Respondents~~ Authorities are malafide and in this view of the matter, the impugned orders of transfer of the applicant is liable to be set aside and quashed.

(IV)...

22  
Debanjan Ghosh

~~(IV)~~

(IV) For that similar employees like the applicant <sup>now promoted as S.F.A. in Nov/95 from</sup> who are <sup>working as</sup> ~~working as~~ Field Assistants (General duty) at SB Tezpur are retained at SB Tezpur by the concerning Respondents for periods ranging from 10 to 15 years i.e. beyond the prescribed tenure period, most arbitrarily in violation of the laid down transfer norms, but the genuine claim of the applicant on medical ground and family ground is not conceded to, which is discriminatory and hence violative of the provisions of Article 16 of the Constitution of India and as such the same is liable to be set aside and quashed.

(V) For that throughout his whole service career from 6.2.89 to till date i.e. for about 7(seven) years, the applicant having been subjected to frequent transfers, and the applicant having duly complied with all these orders, the inaction of the Respondents in considering the representations for retaining him for sometime till completion and/or recovery of his treatment/ailment and as such the same is vitiated for total non-application of the mind by the Authorities, and , as such, the impugned orders are liable to be set aside and quashed.

(VI) For that the Respondents acted illegally, arbitrarily and discriminatorily in forcing the applicant to move to Hqr. New Delhi knowing fully well that the same shall result in great loss and injury to him for he is medically advised <sup>amongst others</sup> to avoid strenuous long distance journey, more so when there is <sup>↑</sup> no exigency for such transfer, and in this view of the matter the impugned order of transfer to Hqr. New Delhi and his resultant nonpayment of salary, allowances...

23  
Subang Prasad

allowances, arrear salary and bonus etc. with effect from November, 1993 (vide impugned order i.e Document at Annexure - 6) is liable to be set aside and quashed for violation of provisions of Article 21 of the Constitution of India.

(VII) For that the impugned order of 'censure' dated 10.9.95 passed by the Respondent No. 3 in exercise of power under Rule 15(3) in a departmental proceeding under Rule 16 of the CCS(CCA) Rules, 1965 is not a speaking order as the same being a quasi-judicial proceeding the ~~applicant~~ concerning Respondents has failed to take into consideration the material ~~and~~ explanation furnished by the applicant in reply on 17.7.95 and the Respondent No. 3 has erred in law as the impugned order dated 10.9.95 does not meet with such explanation and hence is not a speaking order and in this view of the matter, the same is liable to be set aside and quashed.

(VIII) For that the impugned order dated 10.9.95 passed by the Respondent No. 3 also suffers from non-application of mind to the facts and circumstances of the case as disclosed in the representation dated 17.7.95 of the applicant and other available materials as the concerned authority has failed to give a reasoned findings as to whether an enquiry is necessary or not necessary and in absence of such finding the impugned order dated 10.9.95 imposing the penalty of 'censure' would be invalid and of no legal consequence as the said omission of Respondent No. 3 has resulted in material prejudice to the applicant and in this view of the matter the impugned order dated 10.9.95 is liable to be set aside and quashed.

(IX)...

Subanga Prasad

(IX) For that the Respondent No. 3 has taken into consideration only a part of the statements of the applicant <sup>who is at the infancy of service and has a genuine claim</sup> and has omitted <sup>at least</sup> the other contentions thereof, which is stated to be precise issue i.e. use of "intemperate and impolite language" which is favourable to the prosecuting authority, ~~and~~ which is only one side of the coin and non-consideration of those material contentions of the applicant has in fact, materially prejudiced the applicant and in this view of the matter the same is liable to be set aside and quashed.

(X) For that the impugned order dated 15.3.96 communicated by Respondent No. 8 informing the applicant of the passing of the order under memo No. 23.3.95-Pers-II/2364 dated 4.3.96 ( without furnishing a copy of the same to the applicant ) by the appellate authority i.e. Respondent No. 2 is violative of sub-rule (3) of Rule 27 of the CCS(CCA) Rules, 1965 as the appellate authority has failed to consider all the circumstances when the Respondent No. 6 says "..... who after considering the same has found no reason in reversing the decision of the authority" and in this view of the matter the same is liable to be set aside and quashed.

(XI) For that the Respondent No. 10 has erred in law in passing the final order dated 25.7.96 to the effect that "..... ~~xxx~~ his request regarding transfer cannot be acceded to as there are no fresh grounds to justify the cancellation of transfer order", although there is standing departmental transfer norms of the department to the effect that a person having less than 10 years of service is to be detained for 3 years in North East India etc. and in this view of the matter the impugned order dated 25.7.96 is liable to be set aside and quashed, <sup>on this ground alone.</sup>

(XII)...

*Devi Singh*  
2/5

(XII) For that in the facts and circumstances of the case withholding of pay, salary, arrear salary, D.A., Bonus etc. of the applicant from November, 1993 is most arbitrary and illegal and as such, the impugned order dated 5.1.94 for stoppage of pay etc. is also liable to be set aside and quashed on the ground of violation of provisions of Article 21 of the Constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant declares that the applicant had filed representation/departmental appeal before the Respondent No. 8 & 2 on 15.1.94 and 20.1.96 through proper channel which received no consideration whatsoever as per law. Rather the Respondents 2, 8 and 10 have implidely rejected the same by directing the applicant to join hqr. New Delhi immediately. Since the matter is very urgent the instant application is filed.

Copy of the representation/Appeal dated 20.1.96 is annexed in this application as Document No. 13.

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

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

8. RELIEF(S) SOUGHT :-

In view of the facts mentioned in paragraph 6 above, your Lordships' may be pleased to pass necessary orders directing the Respondents to withdraw, recall or otherwise forebear from giving effect to the impugned transfer and posting order No. 168/Pers-2/94, issued under No. 3/2/94-Pers-2/4014, dated 31.3.94 (Document No. 4), Order No. 6/2/93-TEZ (ESTT)-50, dtd...

*Sulbany Chandra Deb*

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50, dated 5.1.94 (Document No. 6), order No. 23/3/94-Pers-2/12828, dated 10.9.95 (Document No. 11), Memorandum No. 6/2/93-TEZ (ESTT)-1835, dated 15.3.96 together with Memo No. 23/3/95-Pers-2/2364, dated 4.3.96 (Document No. 15), and Memorandum No. 6/2/93-TEZ (ESTT)-4498, dated 25.7.96 (Document No. 17) and after hearing the parties be further pleased to quash the said impugned orders dated 31.3.94, 5.1.94, 10.9.95, 15.3.96 with 4.3.96 and 25.7.96 (Documents annexed as Annexure- 4, 6, 10, 14 and 16 respectively) and/or pass such other order/orders as to your Lordships' may deem fit and proper for violation of laid down rules for transfer and also for violation of the provisions of Articles 14, 16 and 21 of the Constitution of India.

And for this, the applicant, as in duty bound, shall ever pray.

9. INTERIM ORDER, IF ANY PRAYED FOR :

Pending final decision in the application, the applicant seeks the following interim order :

It is further prayed that your Lordships' may further be pleased to stay the operation of the impugned order dated 31.3.94 (document No. 4), 5.1.94 (document No.6) 15.3.96 ~~and~~ with 4.3.96 (Document No. 14) of the application, in the interest of justice on medical ground as well as ...



*Subangshub*  
28

- 7) Document No. 6 - Memo No. 6/2/93-TEZ (ESTT)-50,  
dated 5.1.94 issued by Respondent No.9.
- 8) " " 6(a)-Representation filed by the applicant  
on 15.1.94.
- 9) " " 7 - Memo No. 6/2/93-TEZ (ESTT)-216,  
dated 12.1.95 issued by Respondent No.9.
- 10) " " 7(a)-Memo No. 6/2/93-TEZ (ESTT)-572, dated  
1.2.95, issued by Respondent No.9.
- 11) " " 7(b)- Memo No. 6/29/88/Pers-II/1755,  
dated 24.2.95 issued by Respondent No.4.
- 12) " " 8,  
8(a) and 8(b) - Memo No. 6/2/93-TEZ (ESTT)-4620, dated  
14.7.95 issued by Respondent No. 8  
with Memo dated 30.6.95 with state-  
ment of impugations.
- 13) Document No.9 - Representation dtd. 17.7.95
- 14) " " 10 - Order No. 23/3/95-Pers-II/12826 dtd.  
10.9.96 issued by Respondent No. 8x 3.
- 15) Document No. 11 - Memo No.6/2/93-TEZ (ESTT)/302, dated  
11.1.96 issued by Respondent No. 8.
- 16) " " 12 - Departmental appeal dated 20.1.96  
submitted by applicant through proper  
channel.
- 17) " " 13,  
13(a) and 13(b) - Memo No. 6/2/93-TEZ (ESTT)-1502,  
dated 28.2.96 issued by Respondent No.8  
with enclosures memo dated 19.2.96  
and statement of imputations of  
misconduct.
- 18) " " 14 - Memo No. 6/2/93-TEZ (ESTT)-1835, dtd.  
15.3.96 issued by Rspdt. No. 8.
- 19) " " 15 - Representation dtd. 15.3.96.
- 20) " " 16 - Memo No. 6/2/93-TEZ (ESTT)-4498, dtd.  
25.7.96 issued by Rspdt. No. 10.
- 21) " " 17, ~~xxx~~  
17(a) to 17(m) - Medical prescriptions and certificates  
from 13.2.92 to 1.4.96.

VERIFICATION ...

VERIFICATION

I, Shri Debangshu Deb, son of Late Jitendra Chandra Deb, aged about 32 years, working as Field Assistant (General Duty), I.D.No. - JD 01845-V in the office of the Deputy Commissioner, Government of India, Special Bureau, Tezpur, in the district of Sonitpur, Assam, <sup>on transfer,</sup> a resident of C/o Begum Daizy Aziz, House No. 2, Rubber Bagan, P.O. Tezpur- 784001, in the district of Sonitpur, Assam, do hereby verify that the statements and contents of paragraphs 4 (A) to 4 (Z-2), are true to my ~~own~~ personal knowledge and paragraphs 6 (I) to 6 (XII).

believed to be true on legal advice and that I have not suppressed any material fact.

Date :- 20/8/96.

*Debangshu Deb*

Place : Guwahati.

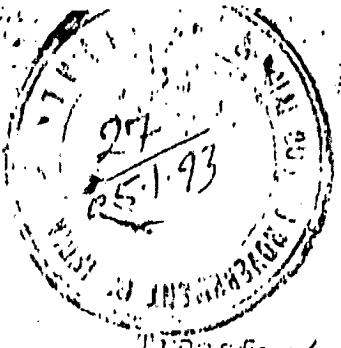
Signature of the Applicant

To

The Registrar,  
Central Administrative Tribunal,  
Gauhati Bench,  
Bhangagarh, Guwahati - 781005,  
District : Kamrup, (Assam).

...

NOTICE ...



27 NO 4/92 5.1.93  
COMMISSIONER  
SPECIAL BUREAU  
Govt. of India

ANNEXURE-1

SECRET

Office Order No. 783/92

Transfer/posting of the following officials are ordered with immediate effect :-

S.No	Name & Designation	From	To
1.	T. B. Thapa	SB Shillong (under posting)	SB, Aizawl.
2.	Ranjit Singh, SFA (GD)	SB, Shillong (under posting)	SB, Aizawl.
3.	Bhulley Singh, SFA (GL) JD-11401-X	Under Orders of transfer from HQrs, New Delhi	SB, Aizawl.
4.	Subal Das, FA (GD) JD-01351-P	SB, Aizawl	SB, Guwahati.
5.	Sukamal Paul, FA (GD) JD-01742-X (He may be relieved on completion of his tenure at SB, Aizawl)	SB, Aizawl	SB, Tezpur.
6.	Debangshu Deb, FA (GD) JD-01845-V	SB, Aizawl	SB, Tezpur.

Changha

2. Officials mentioned at Sl.Nos. 4, 5, & 6 above are entitled to normal transfer benefits as prescribed under the Rules. Those at Sl.Nos. 1 & 2 above are entitled to actual journey time and actual journey expenses only in connection with their transfer from SB, Shillong to SB, Aizawl. They are required to opt for drawal of HRV within four months of the date of joining the new station on transfer, failing which, they shall be governed by Central Government Rules.

3. The official option 6 at Sl.No.2 above, i.e. Shri Ranjit Singh, SFA (GD) stand relieved of his duties at SB, Shillong with the direction to report

Sl No.3 above, i.e. Shri Bhulley Singh, SFA (GL) from HQrs, New Delhi to DC, SB, Aizawl, on

5. This issues with the approval of the Additional Commissioner, SB, Shillong.

( K. M. Kartha )  
Asstt. Commissioner (Admn)

No.2/3/92-SHG (EST) -  
Government of India,  
Special Bureau,  
Shillong - 793014,

18798

Dated, the : 21.12.92

Copy to :

- 1-2) S/Shri T.B.Thapa/Ranjit Singh, SFA (GD), Thro' SB, Shillong.
- 3) Shri Bhulley Singh, SFA (GD), Thro' US (Pers.V), Cab. Sectt. N.D.
- 4-6) S/Shri Subal Das/Sukamal Paul/Debangshu Deb, FA (GD), Thro' (DC, SB, Aizawl) by Field offices S.D. CHH
- 7-9) US (Pers.V), HQrs, N.D.
- 10-12) US (Pers.II), HQrs, N.D.
- 14) DCA (SW), HQrs, N. Delhi.
- 17-18) DC, SB, Aizawl/Guwahati/Tezpur.

Attested  
19/8/96  
Advocate for  
the Applicant

11492  
Asstt. Commr. (Admn)

09  
9.1.93  
CHH

28

**ANNEXURE-2**

O.O.No. 40 /SBT/93

SECRET

The following Field Assistants have been transferred with immediate effect.

Sl. No.	Name and ID No.	FROM	TO	Remarks
1.	s/Shri Indasohar Koch	Tawang	Jimithang	Full transfer benefit
2.	Debanshu Deb	Tezpur	Ziro	Actual Journey time & expenses.
3.	Sukamal Paul, ID-0194200	Tezpur	Bomdila	---do---

2. Transfer of Shri A.Acharjee, FA(GD), ID No. JD-01740-W from SB Tezpur to TIP Jimithang ordered vide O.O.No.255/SBT/92 issued under endorsement No.36/1/89-TEZ (Estt) dated 6.11.92 (at Sl.No.4) is hereby cancelled.

3. This issues with the approval of DC.

Office Order Book  
SB, Tezpur

*[Signature]*

(P. Borah)  
Assistant Commissioner (Admn.)

No.36/5/88-TEZ (Estt) - 1168  
Government of India  
Special Category  
TEZPUR

Dated, the 2/3/93

- Copy to :-
- 1. Shri I. Koch FA(GD) SB Tawang
  - 2. Shri P. Deb, FA(GD) SB, TEZPUR
  - 3. Shri S. Paul FA(GD) SB, Tezpur
  - 4. Shri A. Acharjee FA(GD) SB, Tezpur
  - 5. Accounts Branch, SB TEZPUR (2 copies)
- They will have the option to draw HRA either at Central Govt. rates State Confere basis as admissible. Application for TTA advance if required should be submitted within 7 days of receipt of the Order.

*[Signature]*

Assistant Commissioner (Admn.)

NOO/Cor to :-

Attended  
19/8/96.  
A receipt by the Applicant

To

2-9  
-27-

The Deputy Commissioner,  
Special Bureau,  
Govt. of India,  
Tezpur

ANNEXURE - 3

(THROUGH PROPER CHANNEL)

Sub : Prayer for posting at proper Tezpur on humanitarian grounds.

Sir,

With reference to O.No.40/SBT/93 issued under endorsement no.36/5/88-TZ(SBT)-1163 dated 2.3.93 regarding my further posting towards FIP, Ziro.

2. In this connexion, I would like to inform you that since my date of joining in service, I have been posted in forward places ie Shillong, Aizawl, Champhai for four years. During my duration in Champhai I have given at least four to five representations to Additional Commissioner of SB, Shillong stating the emphasis of my difficulties in my family as my mother and sister is completely lonely in my house i.e. at Tezpur. As I have already mentioned in my representations that my elder brother Arunangshu Deb, FA(GD) of this organisation have been posted at SB, Guwahaty. As my elder brother posted at SB, Guwahaty. My mother is a widow an aged woman of 59 years and she is suffering from Cardiac problems. It is not possible for her to cope up daily household activities. My main problem is that my family lacking from having any male member at present to carry on the day to day problems. As I have already mentioned earlier that my mother is Cardiac patient and aged woman. So it is well ensured that a Cardiac patient like her cannot regulate the daily daily work in family. Moreover I am having a grown up sister, and which is not possible for her also to adjust the outdoor works of our daily needs. As the situation is not preferable for a young girl to carry on all the work like this. Hence I am presenting before you my mother's certificate regarding Cardiac problems. Therefore I request you to go through my application carefully and to realise my problems whole heartly. I hope sir, you will be quite aware of my problems and being an reasonable person you will be kind enough to permit me to stay at least one tenure at proper Tezpur on humanitarian grounds.

Thanking you,

Yours faithfully,

*Debangshu Deb*

(Debangshu Deb)

FA(GD), ID, No. JD-01845-V

Attested.  
*Advocate*  
19/8/96  
for the Applicant

Date : 5.3.93

Office Order No. 168 / Pers-2/94

The following transfer/posting of Field Assistant (GD) is ordered with immediate effect:-

S.No.	Name & Designation	From	To	Remarks
1.	Shri Debanghsu Deb, FA JD-01845-V	SB Tezpur	Hqrs. New Delhi	-

2. The official should report for duty at his new place of posting on relief from his present place of posting after availing of the joining time permissible under the rules.

3. The official if he intend to apply for TA/DA advance must do so within 7 days of the receipt of this order irrespective of the fact whether he intend to represent against his transfer or not & failure to draw the advance will not be entertained as a ground for delay in relief on transfer.

4. The transfer order must be implemented within an upper time limit of 2 months irrespective of the fact whether a representation against the transfer is pending a decision or not.

This has the approval of Competent Authority.

(P.K. MATHUR)

UNDER SECRETARY (PERS II)

No. 3/2/94-Pers-2  
Government of India  
Cabinet Secretariat

8-B, South Block  
New Delhi, the 21-3-94

Director of Accounts,  
Cabinet Secretariat (SW)  
New Delhi

Copy to:-

1. Controlling Officer, SB Tezpur - He is advised to ensure that the official applies for TA/DA advance within 7 days and is released for transfer within the upper time limit of 2 months. He must ensure that the representation if any, is forwarded to Pers. Division in terms of the existing transfer policy guidelines and the official advised to act in accordance with the standing instructions.

....2/-

31-  
Mr. I. Bhanu Deb, FA(GD) thro' his controlling officer. He is required to opt for HRA within 4 months of his joining at the new station as per proforma appended below:-

I \_\_\_\_\_ hereby opt for:-

(i) Rent free accommodation or HRA in lieu thereof on confrere basis i.e. as admissible to corresponding police officers in the state of postin.

OR

(ii) To draw HRA at Central Rates plus compensation in lieu of RFA on confrere basis.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

- 32318

Registered with A/D

ANNEXURE-5

To

The Additional Secretary (Pers),  
Cab. Sectt. Govt. of India,  
New Delhi.

Sir,

Please refer to Tezpur Memo No. 6/2/93-TEZ(BSTT)-2104, dt. 20.4.94 enclosing N.Delhi vide D.O. NO. 168/Pers-2/94 issued under endorsement No. 3/2/94-Pers.2-4014 dt. 31.3.94 regarding my transfer from SB Tezpur to H.q.N. Delhi.

Since from the time of my joining on 16.2.89 to 5.1.93 I had been posted to Shillong, Aizwal, & FIP Champai in Aizwal section. In FIP Champai also where I had my left ~~knee~~ leg knee joint injury and back pain. There Dr. Rodingliana, Medical & Health Officer, Champai Civil Hospital referred me to Guwahati Medical College for better treatment. So in my representation in champai I have given options for three places (a) Tezpur (b) Guwahati (c) Dhubri. I have chosen the place Tezpur and Dhubri as because these places are nearer to Guwahati. After this SB Shillong office has transferred me to Tezpur. After few days of joining in Tezpur SB Tezpur office started giving me order to move to Ziro inspite of my medical advise. I could not understand why they were trying to shift me to Ziro inspite of all my medical specialists advise. As because Ziro is a cold climatic region and high altitude area. My left leg knee joint injury and back pain turned into arthrities which is strictly prohibited for the above area, in order to avoid future problem.

But Sir, I have received a Memo from Tezpur office that I have been transferred to N.Delhi and there will be availability of medical facilities. Everyone is not paying any attention to my main problem i.e. my medical problem. My main problem is of arthrities and I am under treatment by Dr. A.K. Mahanta, M.S. (ORTHS). My medical ...

*Attished  
Advocate  
Mr. M. S. Phukan*

medical specialists has advised me to carry on my medical treatment in Guwahati Medical College and advised me strictly to prohibit the cold climatic area, high altitude places and also avoid long distances ~~journey~~ journey and to always ~~and~~ bath by lukewarm water due to my leg joint injury and back pain.

Sir, in my representation I have requested ~~is~~ you to transfer me to Tezpur or Guwahati, where I can carry on my further treatment as because Guwahati is also medical facilitated area. And I have never requested you to transfer me out of my section. There is no scarcity of Doctors nor of medical colleges in Assam. So, Sir, they are turning my problem to another way either at solving it straight forwardly transferring me Tezpur or Guwahati. One thing more I think you have not gone through my medical certificates properly. And the medical officer and Chief Medical and Health Officer at Tezpur Civil Hospital referred me to G.M.C. Orthopaedic centre for my better treatment. Doctor of Orthopaedic centre has not declared my case as a case of failure nor they have suggested me to shift my medical case to N.Delhi. It is according to the advise of my Doctor, I have requested you to transfer me to Tezpur or Guwahati not on my own interest. When there is availability of medical resources in Assam why should I shift to New Delhi.

Another thing if my deptt in so aware about my disease then why have Tezpur office has relieved me on 3.11.93 forcibly before five months ago. If they were my well wishers they could not relieved me either they could kept me here and could tell me to continue my treatment. As because SB Tezpur office has forcely relieved me inspite of having my medical problem, then the entire period which I had spend must be treated as special leave. My D.A.,

arrears,....

Attested  
19/8/96  
Advocate  
for the  
Applicant

- 3 -

arrears, bonus and salary may please be given to me.

Lastly, Sir I have never asked for N.Delhi. It is really very strange that I have been transferred to N.Delhi. I think what I am trying to point out to you. You will be able to understand. I am requesting you that please transfer me to Guwahati as per doctor advise. Please try to realise my conditions and for five months I am spending my days without pay, D.A. arrear and bonus also. Please do not let me in despair. I am seeking judgement from you. You are the ~~man~~ daniel person everything lies upon you.

Thanking you in anticipation. I remain.

Yours faithfully,

Sd/- Debangshu Deb

F.A. (GD) I/D 1/o JD-01845-V

Tezpur.

Encl : Medical  
Certificates

Date :- 22.4.94.

Copy for information to :-

- (a) Spl. Secretary, Cab. Sectt. Govt. of India, New Delhi for your kind information and necessary action at your end please. (without enclosure)
- (b) Under Secretary (Pers-II), Cab. sectt. Govt. of India, New Delhi (without enclosure)

Yours faithfully,

1. Advance copy to  
Hrs. N. Delhi

Sd/- Debangshu Deb  
FA(GD) SB TEZPUR

(Through Proper channel  
copy will be send throu office)

...

Attached  
for  
19/8/96  
Advocate  
in  
Application

Under certificate of posting

To

ANNEXURE-5(a)

The Additional Secretary (Pers),  
Cab. Sectt.  
Govt. of India,  
New Delhi

SUB :- CORRIGENDUM.

Sir,

Please refer to my representation dated 22.4.94 against my transferorder addressed to you and copy to the Spl.Secretary and Under Secretary (Pers.II) in advance copy and through proper channel copy regarding my transfer to Guwahati instead of N.Delhi on medical ground.

In my representations at para 1, my joining date at SB deptt. may please be read as dt. 06.2.89 to 5.1.93 instead of 16.2.89 to 5.1.93 at SB Shillong, Aizwal and FIP Champai.

This is for your information please.

Thanking you Sir,

Yours faithfully,

Date : 25.4.94

Sd/- Debangshu Deb  
F.A.(G.D.) TEZPUR  
I/D 110 JD - 01845 V

dx

- 1. Advance copy to Hrs.  
(Through proper channel copy will be send through office).

...

Attested.  
19/8/96.  
Adm. Officer  
Applicant

Under certificate of posting

ANNEXURE

The additional Secretary (Pers),

Govt. of India,  
New Delhi

SUB : - CORRECTION.

Sir,

Please refer to my representation dated 22.4.54

against my transfer and address to you and copy to

the Spl. Secretary and Under Secretary (Pers.) in

advance copy and through proper channel copy regarding my

transfer to Gwalior instead of New Delhi on medical ground.

In my representations at para 1, my joining

date as on debit may please be read as dt. 02.7.54 to

2.1.53 instead of 16.2.53 to 2.1.53 at 25 millions,

which and 411 Gwalior.

This is for your information please.

Thanking you sir,

Yours faithfully,  
Sd/- Deputy Secy  
P.S. (G.O.) 124/54  
IND 110 10 - 01845 v

Date : 22.4.54

12x

I advance copy to Mrs. (through proper channel copy will  
be sent through office).

...

ANNEXURE-6

MOST IMMEDIATE

Regd/AD

No.6/2/93-TRZ (ESTT)- 50  
Government of India  
Special Bureau  
.....

36

Tezpur, the 5/1/94

MEMORANDUM

Pay & allowance of Shri Debangshu Deb, FA(GD) should not be drawn & disbursement stopped till further instruction.

2. Undisbursed pay & allowances may be retained here upto such time as permissible & thereafter refunded to Director of Accounts, Cabinet Secretariat(SW), New Delhi.

(P. BORAH)  
ASSISTANT COMMISSIONER (ADMN.)

Accounts Branch SB Tezpur ( 2 copies)

Copy to:

1. I/C SB Ziro: Undisbursed pay & allowances may be returned to this office for further action.
2. Shri Debangshu Deb, FA(GD), C/o Begum Daizy Aziz, House No.2, Rubber Bagan, Tezpur - 784 001

*P. Borah*  
ASSISTANT COMMISSIONER (ADMN.)

*Advised*  
*19/8/96*  
*Advised to*  
*by the Applicant*

To

The Deputy Commissioner,  
Special Bureau,  
Govt. of India, TEZPUR.

ANNEXURE-6(a)

SUB : - PAY AND ALLOWANCES.

Sir,

With reference to your Memo No. 6/2/93-TEZ(Estt)-50, dated 5.1.94 regarding pay and allowances stopped till further information. For your information, as per Govt. rules allowances (any kind of allowances) should not be stopped. Moreover, you have forcibly relieved me instead of my medical ground. So question does not arise to stoppage of pay also. You have very well known that I have not violated any Govt. rules.

Therefore, my allowances D.A., arrears, Bonus etc. may kindly be send to me at the earliest.

This is for your information.

Yours faithfully,

Date :-15.1.94

Sd/- Debangshu Deb  
F.A.(G.D.) SB TEZPUR

I/D No. JD 01845 V

Copy for information to :-

1. Addl. Commissioner, Spl. Bureau, Govt. of India, Shillong for necessary action at your end please.

...

Attested  
19/1/96  
for the Applicant

No.6/2/93-TEZ(ESTT)-  
GOVERNMENT OF INDIA  
SPECIAL BUREAU  
.....

216  
ANNEXURE 7  
12/11/95

Tezpur, the

Memorandum

Sub: Representation of Shri Debangshu Deb, FA(GD) regarding his transfer.

With reference to the subject cited above, Shri Debangshu Deb, FA(GD) is hereby informed that he was relieved from SB, Tezpur on 03-05-93 on transfer to Ziro and subsequently he was transferred to Hqrs, New-Delhi. The order to this effect was already sent to his home address on 20-4-94. Hence, DC SB Tezpur is no longer remained as his controlling officer.

2. In view of the fact as stated above, his representations with regard to his fresh posting etc are not acceptable to us. He may submit the same to his new Controlling Officer i.e. Under Secretary (Pers-II) at Hqrs.

3. The 3(three) copies of his representation dated 28-9-94, 21-11-94 & 28-11-94 are returned herewith for necessary action at your end.

Enclo:As stated

✓ Shri Debangshu Deb, FA(GD)  
C/O Begam Daizy Aziz  
House No.2, Rubber Bagan  
Tezpur:784001.

( B. Bhattacharjee )  
Assistant Commissioner(Admn).  
12/11/95

Copy for information to:

1. Under Secretary (Pers.II) Hqrs, New-Delhi.
2. Assistant Commissioner(Admn), SB, Shillong.

Assistant Commissioner(Admn)

Attested  
19/8/96  
Admn  
with  
Applicat-

No.6/2/93-TEZ (ESTT)-  
Government of India  
Special Bureau  
.....

512

Tezpur, the 1/2/95

MEMORANDUM

Subject: Representation of Shri Debangshu  
Deb, FA(GD) regarding his transfer.  
.....

As has already been intimated by us vide our Memo. of even No.216 dated 12.1.95 to Shri Debangshu Deb, FA(GD) DC, SB, Tezpur is no longer his Controlling Officer and hence his further representations dated 9.1.95 and dated 20.1.95 addressed to Secretary, Hqrs, and Asstt. Commissioner (Admn.), SB, Tezpur respectively on the above subject should not be sent to this office. As such his aforesaid representations are returned herewith, in original for further necessary action.

2. However, he may represent through his new Controlling Officer i.e. US (Pers.II), Hqrs, New Delhi, if he so desires.

Encl: As stated

*B. Bhattacharjee*  
(B. BHATTACHARJEE)  
ASSISTANT COMMISSIONER (ADMN.)

31/1/95

Shri Debangshu Deb, FA(GD),  
C/o Begam Daizy Aziz  
House No.2, Rubber Bagan  
Tezpur - 784 001

Attested  
*[Signature]*  
19/8/96  
Admn. Control  
for the  
Applicant

No.6/29/88/Pers-2 1755  
Government of India  
Cabinet Secretariat

29.2.85  
10  
IMMEDIATE  
By. Regd. A/D

ANNEXURE-7(b)

8-B, South Block,  
New Delhi, the 29/1/85


MEMORANDUM

Subject:- Representations of Shri Debangshu Deb, FA(GD)  
regarding his transfer to Hqrs.

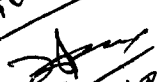
.....

With reference to the subject cited above,  
Shri Debangshu Deb, FA(GD) is hereby informed that his  
case has already been considered in detail.

2. It has been decided that Sh. Deb should comply with the  
transfer order and report to Hqrs. New Delhi without further  
delay. Shri Deb is once again advised not to send representations  
directly to ~~xxx~~ senior officers at Hqrs. which is violation  
of CCS(Conduct) Rules.

  
(P.K. MATHUR)  
UNDER SECRETARY (PERS II)

✓  
Shri Debangshu Deb, FA(GD)  
C/o Begum Daizy Azaz,  
H. No. 2, Rubber Bagan,  
Tezpur- 784001

Advised  
  
19/8/96  
Advocate for  
the Applicant

No.6/2/93-TEZ (ESTT) - 4620  
Government of India  
Special Bureau  
.....

ANNEXURE-8

Tezpur, the 14/9/95

MEMORANDUM

Hqrs. Memo No.23/3/95-Pers.2-10579 dated 30.6.95  
alongwith its enclosures is enclosed, in original.

2. Receipt of the same may please be acknowledged.

Encl: As stated

  
( RAJESH MISHRA )  
DEPUTY COMMISSIONER

Shri Debangshu Deb, FA (GD)  
C/o Begum Daizy Aziz  
H.No.2, Rubber Bagan  
TEZPUR - 784 001

Admitted  
2/9/95  
19/8/96  
Admitted for  
the Applicant

195  
No.23/3/95-Pers-2  
Government of India  
Cabinet Secretariat

10573 1 42  
**ANNEXURE-8(a)**

8-B, South Block  
New Delhi, the 30/6/95

MEMORANDUM

Shri Debangshu Deb, FA(GD) is hereby informed that it is proposed to take action against him under Rule 16 of CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri Debangshu Deb, FA(GD) is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Debangshu Deb, FA(GD) fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Debangshu Deb ex-parte.

4. The receipt of this memorandum should be acknowledged by Shri Debangshu Deb, FA(GD).

Attested  
19/8/96  
Advocate for  
the Applicant

Gurinder Singh  
( GURINDER SINGH )  
JOINT SECRETARY (PERS)  
&  
DISCIPLINARY AUTHORITY

To

Shri Debangshu Deb, FA(GD)

thro' AC, SB Tezpur

STATEMENT OF IMPUTATION OF MISCONDUCT FRAMED AGAINST SHRI DEBANGSHU DEB, FA(GD) CABINET SECRETARIAT, HQRS., NEW DELHI.

That the said Shri Debangshu Deb was posted and working as FA(GD) at SB, Tezpur. He was transferred to Hqrs. New Delhi vide Order dated 31-3-94. The said Shri Deb has not joined duty at Hqrs. New Delhi as yet and has been sending one representation after another to his superior officers seeking cancellation of his transfer order to Hqrs. at Delhi. He has used impolite and intemperate language while submitting such representations, for which a regular DE has already been ordered against him vide memo dated 9.3.95. The said Shri Debangshu Deb has not shown any improvement in his conduct even after issue of a Charge-sheet to him. He has sent another representation dated 25-5-95 addressed to JS(Pers) using intemperate and impolite language, and displaying highly contemptuous and disrespectful attitude towards his senior officers. In his representation dated 25-5-95 he has written " I have given near you more than enough time to solve my case. But you have failed to find a definite solution. I am filing my case near CAT. The rest conversation of us will be held near them."

By his aforesaid acts of wilful insubordination, the said Shri Debangshu Deb has conducted himself in a manner highly unbecoming of a Govt. servant and has thus violated Rule 3(1)(ii) & (iii) of CCS (Conduct) Rules, 1964.

Attested

[Signature]  
19/8/96  
Advocate for  
the Applicant

[Signature]  
[Signature]

The J.S. (pers)  
Cabinet secretariate,  
Govt. of India,  
New Delhi.

Sir,

With reference to your memo No. 23/3/95 -pers-11-10579, dated - 30/6/95 under Tezpur endorsement no. 6/2/93-Tez-(Estt) -4620 dt. -14/7/95.

According to your memorandum you have considered my statement in my previous representation dt. 25/3/95 which I have send to you according to you my statement contained im-polite and intemperate language. and in point no. 2, you have mentioned that you are giving me the opportunity of giving such representation against the memo. and in 3rd point, you have mentioned that if I fail to answer this memorandum within 10 days, then it will be presumed by you that I can make no representation and orders will be liable to passed against me.

Now I am clarify your point abderding to your satisfaction before this discribing point no (1) i.e. about my statement, let me clear up point no (2) of yours in point no (2); you have mentioned that you are giving me the opportunity to make such representation against this memo, sir, I beg your pardon but according to your 2nd point you are well coming my representation, and according to you, I think my representation contained no intemperate language otherwise you would'nt have given me the opportunity to make the same representation against this memo. Thanks for giving me the opportunity, I will try my level best to satisfy your points.

In point no (3) . question does not arise for not giving you any reply within 10 days, why will I hesitate in ansering your questions ? and for your information I could like to say that I had received your memo from Tezpur office in 14/7/95 at 4.45 p.m. so . the effect of this memorandum may be calculate from this very date and time. in

In page 3, statement of Imputation of mis-conduct framed against Shri Debangshu Deb :- Your point no. 1) is regarding my mis-conduct and mis-behaviour. so, let me give my answers against your these charges. I am writing my problem again in details.

P.T.O.

Attested  
19/8/96  
Advocate  
for the  
Applicant

I Debangshu Deb was firstly posted from F.I.P. Champai (Aizawl setup) to Tezpur on medical ground vide memo no. SB Shillong OO No-783/92 under endorsement no. 2/3/92-SFG-(Estt)-18798, dt. 21.12.92. And my medical problem is much clear near you and also near Tezpur office. From the very beginning when I was transferred from F.I.P. Champai to Tezpur it was on medical ground, and moreover I have completed my tenure of 5 years outside my home posting i.e. Tezpur. After I have joined Tezpur from F.I.P. Champai firstly I was given orders to be posted to zero. I requested near the Tezpur SB office not to transfer me to zero, but they denied my proposal ignoring my medical case. I am an arthritic patient and I am under the treatment of Dr. Anil Kr. Mahanta associate professor of Guwahati Medical College. He had suggested me to follow some medical tips were as,

- (1) To avoid cold climate and high altitude area.
- (2) To bath in luke warm water.
- (3) To avoid long distance journey.

The medical certificate of my arthrities and references of Dr. Anil Kr. Mahanta was attached in my representation and was submitted near them. But Tezpur Office after getting my representation with medical certificate, gave another memo to me stating in it that "I must be fully cured within six months". Arthrities is such a disease which cannot be cured within a specific period, rather it needs a pacific time and regular medical treatment to be cured. Knowing all that medical problem I was transferred to New Delhi on 31/3/94 and the rest is known to you. So, I come to Tezpur on six 16/2/93 from that time onwards I was once transferred to zero, then again to New Delhi. The one basic think I could like to tell you that, how can Tezpur SB Office ignore my medical problem and prescription of my doctor advise. Did my Dr. declare that my case is a failure case? And how do they reject my doctors prescription and on what basis? Is my medical problem not a problem near you all? Or did you consider my case as a matter of joke near you all? From 16/2/93 to till this they I have been harassed by the senior officers. I have been without pay for a such a long term and for this I am unable to carry out my medical treatment also. And now you are charging against me charges of mis-conduct with senior officers for cancellation of my transfer orders. I have already send you an representation against your charges of mis-conduct against me. Still when you are putting much importance again on mis-conduct then I must say that is it not the responsibility of the senior officers to be kind and considerate towards subordinate. From such a long term I have been pleading requesting near the senior officers.

B.T.U.

*Attached*  
*Advocate*  
*19/8/96*  
*for the Applicant*

about more than 14 yrs., what result did I get from them? I got harassment. I got a memo mis-conduct which I have not done? These result I have received from my senior officers in respect of my representation. The line which you have quoted in this memo carries no language of imputation in it. It is simply written in direct English language that you have taken enough time to solve my case, so I am filing my case near cat and rest conversation will be near them. So what vulgarism is in it? I see no lack of obedience in this statement. Sir, My representation is never based on intemperate language. I don't know why the senior officers are making such false proclamation against me. So, my answer towards your memo is satisfactorily answered by me. I would like to say that I am an arthritis patient and I need regular medical treatment to avoid future problem and in this diseases time cannot be assured that within such time this diseases can be cured, but it can be restrained through regular treatment. So, if you allow me to stay 3-4 years in Tezpur (proper) so that I can carry on my medical treatment then I will go to any place of posting in India decided by you. I promise I will go according to your choiceable posting. But you must give me assurance to stay for 3-4 yrs. My proposal is near you, now you decide what do you want to do? My case needs now more explanation to be explained near you thoroughly. The main think you know that my case is based on reality, that's why I have the strong point to fight for my justice till the end. You realise yourself that a person for more than one year eight month (1) yrs. 8 (month) is fighting for his case, which is a medical case, a clear case with no doubts, but obstacles have been created on my way by S.B. office (Tezpur) by issuing false items. I have been without pay, D.A. area, bonus from 1993 still to day how am I passing my days? Have you ever tried to realise that what is the position of my state of mind in this abstract situation? You are not only torturing me financially but mentally also, so inspite of putting such false blem on me by you all, you must agree that I have not lost my patience in facing you and your problem inspite of such harassment. Once again think aware my proposal. If you consider my case on medical ground, I request you to transfer me on medical ground on Tezpur proper. I will remain ever grateful near you.

Thanking you,

YOURS faithfully,

*Debangshu Deb*

( DEBANGSHU DEB )

P.A. (GD) T.P. NO. JD01845V

S. B. TEZPUR.

Date : 17/7/95

Advance copy to -

J.S. (Pers) My through proper channel copy will be send

D.O. S. B. TEZPUR. *with attach 8 nos medical certificate ...*

with aut = ne logo

Attested

*Advocate*  
*19/8/96*  
*Mr*  
*Applicant*

No.23/3/95-Pers-2  
Government of India  
Cabinet Secretariat

Confidential  
349  
12828  
27/9/85

Confidential

47

8-B, South Block  
New Delhi, the 18/9/85

ORDER

WHEREAS Departmental proceedings under Rule 16 of CCS (CCA) Rules, 1965 were initiated against Shri Debangshu Deb, FA(GD) vide Memo of charge issued under No.23/3/95-Pers-2 dated 30.6.95 on the charges of using intemperate and impolite language and displaying highly contemptuous and disrespectful attitude towards his senior officers in his representation which he submitted with reference to the appointment of Presenting Officer in a separate DE, for major penalty initiated against him for unauthorised absence.

2. WHEREAS Shri Debangshu Deb was given an opportunity to represent against the aforesaid Memo of charge dated 30.6.95. Shri Debangshu Deb submitted his Defence Statement on 17.7.95 wherein again he has used uncalled for and unwarranted language. He has attempted to side-track the issue by sending copies of medical prescriptions to justify his unauthorised absence which is the subject-matter of another DE against him. The precise issue in the present minor penalty action was the use of intemperate and impolite language by Shri Debangshu Deb in his representation dated 25.5.95. Shri Deb has not shown any remorse or repentance for having used insolent and impolite language, which is manifestly clear from the records.

3. WHEREAS having regard to the facts and circumstances of the case, the undersigned is of the opinion that the charge against Shri Debangshu Deb as contained in the Memo of charge dated 30.6.95 is proved on the basis of documentary evidence on record.

4. NOW, THEREFORE, the undersigned in exercise of the powers conferred under Rule 15 (3) of CCS (CCA) Rules, 1965 hereby imposes the penalty of " Censure " on Shri Debangshu Deb, FA (GD).

Attested  
19/8/96  
Advocate for  
the Applicant

GJK

( GURINDER SINGH )  
JOINT SECRETARY (PERS)  
&  
DISCIPLINARY AUTHORITY

Shri Debangshu Deb, FA  
thro' SC Tezpur

Copy to:-

- 1. Deputy Commissioner, SB Tezpur (2 copies)
- 2. Personal file.
- 3. CCR Cell.

( P.K. MATHUR )  
UNDER SECRETARY (PERS II)

SECRET/IMMEDIATE

48

No.6/2/93-TEZ (ESTT)- 302  
 Government of India  
 Special Bureau  
 .....

11.1.96

Post Box No.18  
 Tezpur, the

MEMORANDUM

With reference to his representation dated 5.10.95 addressed to JS(Pers) (D.A.), Cabinet Secretariat, Government of India, New Delhi against the order of "Censure" Shri Debangshu Deb, FA(GD) is advised to file an appeal, if he feels dissatisfied with the order passed by the Disciplinary Authority.

  
 ( RAJESH MISHRA )  
 DEPUTY COMMISSIONER

✓ Shri Debangshu Deb  
 C/o Begum Daizy Aziz  
 H.No.2, Rubber Bagan  
 Tezpur - 784 001

Attested



19/8/96.

Advocate  
 for the Applicant

T.  
The J.S. (Pers) (D.A.),  
Cabinet Secretariat,  
Govt. Of India, N. Delhi.

Sub :- Consider and appeal for taking up 'Censure'  
from my case.

Sir,

With reference to Tezpur memo No. 6/2/93-Tez-302, dt. 11.1.96. I have received Tezpur memo on 12 Jan at afternoon time in respect of my representations you have suggested me to file an appeal near the Disciplinary Authority J.S. (Pers) in regarding of my objection for giving censure in my case. Without wasting any more of your time, I could like to paint my view to you regarding the above case that the particular word 'censure does not certify anywhere in my case. My case is based on medical ground and here 'censure' like words and its implication has nothing to do with me. Because I have never done any kind of impropriety in office nor neglected my works, nor did I act violently with my colleagues. So I think 'censure' is not at all suitable for me in my case. However you are very well acquainted with my problem and case, so without repeating the same dialected words I could like to say you formally taht consider my case and give posting at proper Tezpur or Guwahati on medical ground. I have appealed near you according to your suggestion. The summary lies in your kind. I am sending you the certificate of my medical treatment in Civil Hospital, Tezpur because of my financial crisis I am referring my case at present in Civil Hospital (Tezpur).

So, I have done my job, rest lies in your hand. I have implemented this representation according to your satisfaction. An early work is higher solicited. Reply this letter to me as soon as possible.

Thanking you,

Yours faithfully,

Dt. 20.1.96.

Sd/- Debangshu Deb  
F.A.G.D.-I.D.No. JD 01845 V

Advance copy to J.S. (Pers) D.A.  
My ~~xxx~~ T.P.C. copy will be send  
through DC, SB Tezpur.

...

Attested

19/1/96  
Advocate for  
the Applicant

The Secy (PERS) (D.O.),  
Cabinet Secretariat,  
Govt. Of India, New Delhi.

Consider and a reply for taking up 'cessure'  
from my case.

Sir,

With reference to lesson memo No. 6/293-12-302,  
dt. 11.1.56. I have received lesson memo on 12 Jan at afternoon

time in respect of my representations you have suggested  
me to file an appeal near the disciplinary authority (D.Pers)  
in regarding of my objection for giving cessure in my case.

Without wasting any more of your time, I could like to point  
my view to your regarding the above case that the particular  
word 'cessure' does not certify anywhere in my case. My case

is based on medical ground and here 'cessure' like words

and its implication has nothing to do with me. Because I

have never done any kind of irregularity in office nor

neglected my works, nor did I act violently with my colleagues.

So I think 'cessure' is not at all suitable for me

in my case. However you are very well acquainted with my

problem and case, so without repeating the same dialect  
words I could like to say you formally that consider my case

and give posting at proper level or grant an medical

ground. I have appealed near you according to your suggestion.

The summary lies in your kind. I am sending you the certificate

of my medical treatment in Civil Hospital, Lesson because of

my financial crisis I am referring my case at present in

Civil Hospital (Lesson).

So, I have done my job, rest lies in your hand. I  
have implemented this representation according to your satisfaction. In early work is higher solicited. Apply this letter  
to me as soon as possible.

Yours faithfully,

W. A. G. D. - I. D. No. 7D 0182 V  
Depanshu Deb

11.1.56

My Annex 1.1.56 copy will be send  
through CC of Lesson.  
I have copy to Secy (PERS) D.O.

ANNEXURE-13

50

SECRET/IMMEDIATE  
BY HAND

No. 6/2/93-TEZ (ESTT) - 1502  
Government of India  
Special Bureau  
.....

Tezpur, the 28.2.96.

MEMORANDUM

Hqrs Memo No.23/2/96-Pers-2-1847 dated 19.2.96  
alongwith its enclosures is enclosed, in original.

2. Receipt of the same may please be acknowledged.

Encl: As stated

Attested

*[Signature]*

19/8/96

Advocate in  
the Applicant

*[Signature]*

(K.V. REDDY) 28/2/96  
DEPUTY COMMISSIONER

Shri Debangshu Deb, FA(GD)  
C/o Begum Daizy Aziz  
H.No.2, Rubber Bagan  
Tezpur - 784 001,

(CENTRAL DIARY)

S. B TEJPUR

Dy No. 7/1/.....

Date: 19/2/96 199...

Bikaner House  
Shahjahan Road  
New Delhi, the 19/2/96

MEMORANDUM

Shri Debangshu Deb, FA(GD) is hereby informed that it is proposed to take action against him under Rule 16 of CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri Debangshu Deb, FA(GD) is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Debangshu Deb, FA(GD) fails to submit his representation within 10 days of the receipt of this memorandum it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Debangshu Deb ex-parte.

4. The receipt of this memorandum should be acknowledged by Shri Debangshu Deb, FA (GD).

Attended.  
2/19/96  
A/R received by  
the Applicant.

*Rabinder Singh*  
(RABINDER SINGH)  
DIRECTOR (PERS)  
&  
DISCIPLINARY AUTHORITY

Shri Debangshu Deb, FA  
thro' OC SB (Tejpur)

H hand over this memo  
personally (hand) &  
take acknowledgement.

~~As C (A)~~

*Rp*  
26/2/96.

As C (A).

NA M urgently

*Allo...*  
28/2/96

STATEMENT OF IMPUTATION OF MISCONDUCT FRAMED AGAINST  
SHRI DEBANGSHU DEB, FA(GD).

Shri Debangshu Deb, FA(GD) who stands relieved from Tezpur sector on transfer to Hqrs. New Delhi vide order dated 31-3-94, has committed the following acts of omission & commission resulting in the misconduct:-

The penalty of censure was imposed on the said Shri Debangshu Deb, FA(GD) vide order dated 18.9.95 after following the prescribed procedure for using intemperate and impolite language and for his having displayed highly contemptuous and disrespectful attitude towards the senior officers in his representation dated 25.5.95 reacting to the imposition of penalty on him, Shri Deb submitted another Representation dated 5.10.95 wherein he used objectionable and derisive language. Among others, he stated that "On what basis you are trying to blame me that I am side-tracking my issue. It is you who is side-tracking my issue on another side by creating chaos near everybody by saying that I am writing impolite language. Moreover, you want me to repent over what I have not done. Why should I repent and for what? It is you who is harassing me for more than 2 years for no reason. You should be repented for what you are doing to an innocent man. Your conscience should repent over the behaviour you are doing with me for more than two years. Everything is clear near you but still you are trying to turn your face from reality." In the same Representation he stated that " Really, I must admit you are playing a real game with me. It is of no use to repeat my case near you as because you have closed your ears not to hear the reality. Well, one side thinking may be possible near you. But this type of thinking is not acceptable near me ". Using derisive language, Shri Deb further stated that " You have to prove that on what basis you have given me Rule 15(3) & 16. Intemperate language is not the sole of imputing these rules on me. I had spend a span of time from 6.2.89 to 6.1.93 from Shillong, Aizawl and F.I.P.Champai. There no body has spoken any ill language about my behaviour'..... You know why as because they knew how to behave with the Staff members and to solve their problems wholly"....." And you on what solid ground you are blaming me that I don't know how to behave with my Sr.Officers. Actually, these officers does not know how to behave with the subordinate colleagues"..... " You being the Disciplinary Authority without judging the true reason simply give Rule 15(3) & 16 on me. I think now you have understood my point". " Actually from the very first time, you are tress-passing my case and not at all co-operating with me. Well, from my side I have done all my effort- to make you realise about my case. And you knowingly, if your turn turn your eyes off from my case, it is your responsibility now how to handle it."....." Give me joining order to join Tezpur Office (Proper). If you don't then I also will not sit this time calmly. This is my friendly appeal to you. Think over my case, and reply this time as soon as possible" ..... " I hope if you could have thought a little bit regarding this issue you would have come to a better conclusion as because my medical problem was not arised in Tezpur, it was from there in Champal from where I had arthritis so when I joined the Tezpur office on 16.2.93, firstly I submitted my medical certificate to Shri Sujit Chatterjee, Ex-DC of Tezpur Office..... He knew very well that my will assume and will effect me more seriously. Then, why did he took up this step against me? I was a new comer then what did I hamper to Sri Chatterjee Ex-DC that after knowing he gave me Ziro posting. The one who is wrong you are encouraging him and who is in right position you are trying to discard him. Then next come Shri Sanjeev Kumar, Ex-DC he also knew all my medical problem as because I discussed with him also I thought he will understand my problem, but he also acted like Shri Sujit Chatterjee Ex-DC and give me orders to proceed to New Delhi. What is this, are these two former DC is playing game with me..... It is clear near you now that your blame on me is baseless. As because no rule, no blame is justified on me, because I have done no wrong. It still now also you agree with those wrong persons than

Admitted  
19/8/96  
Admitted  
in the  
Applicant

3. Shri Debangshu Deb was advised vide Memo dated 21.12.95 to file an appeal if he feels dissatisfied with the Order of penalty passed by the Disciplinary Authority. He failed to desist from his habit of using intemperate language in his representations addressed to Senior Officers and submitted yet another representation dated 12.12.95 continuing his spate of insolent language casting aspersions on the ability, functioning and attitude of the Sr. Officers. He stated that " From the very first time, these people made and created confliction in my case and you believed their words, and without any thinking you began to send to me one after another charges, which do not have any resemblance with me. What do you think of yourself, being JS(Pers), you are the almighty person in this Organisation and you can do anything to any employee in your Organisation as because the employees designation is much lower than yours..... This is your dis-credit because you did not prove to be an eligible and solved person in this simple case. You mis-used your power inspite of holding a prominent position in this Organisation. You could have get better respect and co-operation, if only you can keep good relation with your employees and help and listen to them at their time of distress. It has crossed the line of patience, for 2 years you are harassing me from finance which is my right to get and also tortured mentally. So think it clearly once again. I want the reply of all my defence statement and the representation I have send to you..... For your information I could like to tell you earlier that as it has been quite a long issue about my case, and which is given a shape of serious matter by the officers meaninglessly. So, this time if you again repeat your same pattern words then my next step will be to makehear my redressal to Prime Minister through the media programme ' Help line ', which main object is to solve people's distress. I am determine in it. If you make it clear it is good for both of us. Otherwise this is the best way to tell and make each and every people including the PM of the country to know how you all harassed me for a normal issue. This is for your information".

By the aforesaid acts of omission & commission the said Shri Debangshu Deb, FA(GD) has conducted himself in a manner highly un-becoming of a Govt. servant. He has thereby violated Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964.

Attended  
19/8/98  
Advocate  
Dr. N. K.  
Applicant

No.6/2/93-TEZ (ESTT) - 1805  
 Government of India  
 Special Bureau  
 .....

ANNEXURE-14

Tezpur, the 15/3/96

MEMORANDUM

With reference to representation dated 20.1.96 of Shri Debangshu Deb, FA (GD) against the order of 'Censure' decision of the competent authority conveyed vide Hqrs, Memo No.23/3/95-Pers.2/2364 dated 4.3.96 is reproduced below:

" The case was put up to the Appellate Authority i.e. AS(Pers) who after considering the same has found no reason in reversing the decision of Disciplinary Authority.

Shri Deb, FA may, therefore, be informed accordingly and advised not to correspond further on this subject in view of the above order."

*A. N. Reddy*  
 (K.V. REDDY) 15/3/96  
 DEPUTY COMMISSIONER

Shri Debangshu Deb  
 C/o Begum Daizy Aziz  
 H.No.2, Rubber Bagan  
 Tezpur - 784 001.

*Attended.*  
*19/3/96*  
*Advocate in*  
*the Appeal*

To

The A.S. (Pers),  
Cabinet Secretariat,  
Govt. of India,  
New Delhi.

ANNEXURE-15

Sir,

With reference to Tezpur Memo No. 6.2.93-Tez (Estt)-1835 dt. 15.3.96 and competent authority conveyed vide Hqrs.memo No. 23/3/95-Per II/2364 dt.4.3.96. I have received your memo today i.e. 15.8.96 at 1.15 P.M. I have read your memo in the memo it is conveyed to me by A.S. (Pers) through DC, SB Tezpur that my case was put near Appellate Authority, who after considering the same has found no reason in reversing the decision. And at the same, it is also written that not to correspond near A.S. (Pers) regarding this subject. So, this was the subjected statement given to me. Now, my comments on these two proposals send to me by A.S. (Pers). Firstly, I am not interested in corresponding with A.S. (Pers) but where the question of my right comes and from which I have been delayed unjustifiably, I will protest for it, and A.S. (Pers) is bound to hear my correspondence regarding this very particular subject as because I am related with this issue. Secondly, whether what A.S. (Pers) has decided or know that when A.S. (Pers) and J.S. (Pers) has falsely fabricated my case and produced false witnesses, then surely they are not going to give me answers in favour of mine, where else they know everything clearly that I am innocent and the decision can easily be taken for my transfer of posting. But I don't know why they are not finding any solution for it. Anyway, I cannot give up my struggle aimlessly like this nor do I accept their unlawful decision of reviving it or not.

It is ...

*Atkhd.*  
*19/8/96*  
*Advocate*  
*for the*  
*Applicant*

ANNEXURE - 12

The A.S. (Pers),  
Cabinet Secretariat,  
Govt. of India,  
New Delhi.

Sir,

With reference to your Memo No. G.S. 23-123 (1st)-1835 dt. 15.3.96 and competent authority conveyed vide H.P. Memo No. 23\3\05-Per II\2324 dt. 1.3.96. I have received your memo today i.e. 15.8.96 at 1.15 P.M. I have read your memo in the memo it is conveyed to me by A.S. (Pers) through D.S. 23\3\05-Per II\2324 dt. 1.3.96. I have found no reason in reversing the decision. And at the same appellate authority, who after considering the same has found no reason in reversing the decision. And at the same time, it is also written that not to correspond near A.S. (Pers) regarding this subject. As this was the subject state-ment given to me. Now, my comments on these two proposals sent to me by A.S. (Pers). Initially, I am not interested in corresponding with A.S. (Pers) but where the question of my right comes and from which I have been delayed unjusti-lically, I will protest for it, and A.S. (Pers) is bound to hear my correspondence regarding this very particular subject as because I am related with this issue. Secondly, whether what A.S. (Pers) has decided or know that then A.S. (Pers) and A.S. (Pers) has falsely fabricated my case and produced false witnesses, then surely they are not going to give me answers in favour of mine, where else they know everything clearly that I am innocent and the decision can easily be taken for my transfer or posting. But I don't know why they are not finding any solution for it. Anyway, I can't give up my struggle aimlessly like this. Now do I accept their unlawful decision of reviving it or not.

It is ...

It is a matter of my life and justice which cannot be subjected in this way. Well, if A.S.(Pers) is unable to take up decision then my next representation will be from my lawyer and I think law can decide best what is justified and to whom his right should be given. And one more thing, I personally from my own choice did not correspond with you all, it was the reply of all your memos I had to answer. And I want to ask you one thing if your motivation was this which you all have thought, they why did you ask from me 'defence statement' and 'ex-parte' reports and why did you fixed hearings then ? Look, I do not want to say the same repeated times again and again, So, my final version is I will take my right from my organization and I will, and no pressure from you in from of memoes can stop me in corresponding with you ~~in~~ Law.

Yours faithfully,

Sd/- Debangshu Deb  
I.D.No. -JD 01845 V

Thanking you,  
Advance copy to A.S.(Pers),  
My through proper channel  
copy will be send through  
DC, SB Tezpur.

Date :- 15.3.96.

...

Attested.

19/8/96  
Advocate  
for the  
Applicant

It is a matter of my life and justice which cannot be  
 subjected in this way. All, if A.S. (Mrs) is unable to  
 take up decision then my next representation will be from  
 my lawyer and I think law can decide best what is justified  
 and to whom his right should be given. and one more thing  
 I personally from my own choice did not correspond with  
 you all, it was the reply of all your memos I had to answer.  
 and I want to ask you one thing if your motivation was this  
 which you all have thought, they why did you ask from me  
 'defence statement' and 'ex-partic' reports and why did  
 you fixed nearness then? Look, I do not want to say the  
 same repeated times again and again, so, my final version  
 is I will take my right from my organization and I will,  
 and no pressure from you in from of memoes can stop me in  
 corresponding with you.

Yours faithfully,

55/-Depansin Dep  
 I.D.No. - 70 01842 V

Thanking you,  
 advance copy to A.S. (Mrs),  
 my through proper channel  
 copy will be send through  
 D.C. Depansin.

Date: - 12.3.66.

...

*[Handwritten notes and stamps on the right margin, including a date stamp '12/3/66']*

57  
BY REGISTERED A/D POST

ANNEXURE-16

No.6/2/93-TEZ (ESTT) - 11135  
Special Bureau,  
Govt. of India,  
Tezpur.

Dated, the 25<sup>th</sup> July '96

MEMORANDUM

With reference to his representation dated 20-1-96 addressed to JS (Pers) requesting for posting at proper Tezpur or Gawahati, Shri D. Deb, FA (GD) is informed that Hqrs. has intimated that his case has examined at the highest level and that it has been decided that his request regarding transfer cannot be acceded to as there are no fresh grounds to justify the cancellation of transfer orders.

Attended.

19/8/96  
Admitted in  
the Applicant.

*S. K. Jain*  
25/7/96  
( S. K. JAIN )  
SECTION OFFICER

✓ Shri Debangshu Deb, FA (GD),  
C/O Begum Daizy Aziz,  
House No. 2, Rubber Bagan,  
Tezpur - 784001.

Letter received today dt. 21.7.96

RL No 1 Date - 5/9 dt 25.7.96

ANNEXURE - 17

TO WHOM IT MAY CONCERN

This is to certify that the Debraj Kumar Deb has been suffering from G. knee injury (old) and is under my treatment now. Since his disease is not improving I proposed him to G.O.M.C, Gauhati for better treatment.

Attested.  
19/8/96  
Advocate for  
the Applicant

(Dr. B. K. Reddy, M.B.B.S.)  
Medical & Health Officer  
Civil Hospital, Champhai  
13.2.92

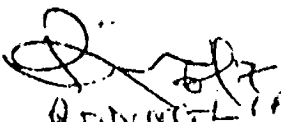


TO WHOM IT MAY CONCERN

This is to certify that Shri Debanshu Das has been suffering from Lt. knee injury & low backache and was under my treatment. Since he is not improving I now referred him to Arzawl Civil Hospital for further treatment.

Treatment given.

- 1) Analgesics
- 2) Antibiotics.

  
(Dr. TBC ROBIN LITINA)

Medical & Health Officer  
Camp: Civil Hospital, Champal

6/7/92

Atttd.



19/8/96  
Admission  
the Applicant.

3

(1)

ANNEXURE-17(c)

M.M.C. HOSPITAL, PANBAZAR, GUWAHATI-1  
OUT PATIENT ADVICE SLIP

O.P.D. :: Date 5-8-78  
Hospital No. 8028 Room No. 8  
Name. Age 21/2 Sex M Religion  
21/2 8/13

Handwritten note: 1st - 2nd day life time

Handwritten note: 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Handwritten note: 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Handwritten calculation:  
2/12  
-----  
3/12

Handwritten calculation:  
3/12

Handwritten note: 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Handwritten calculation:  
2/12  
-----  
3/12

Attested

Signature  
19/8/96  
Admission  
or Applicant

ANNEXURE-17(d)

Dr. Anil Kumar Mahanta  
M.S. (ORTH)  
Consultant Orthopaedic Surgeon

Panbazar  
Guwahati-1  
☎ : 46902 (Res)

Date : .....

For

Mr. Debanshu D.C.

Δ Old my spr. / distome

P.

Tab Combiflam - (30)

1 tab twice daily after  
foods

- Tab Sphero - 500 - (30)

1 tab daily with

Advised to avoid high

altitude & cold climate

- Review after 1 month.

*Anil Kumar Mahanta*

Dr. Anil Kumar Mahanta  
Consultant Orthopaedic Surgeon  
Panbazar, Guwahati-1

Attested

*[Signature]*

19/8/98.  
Admitted by  
the Applicant.

Dr. ANIL KUMAR MAHANTA

MS (ORTHO)  
CONSULTANT ORTHOPAEDIC SURGEON

ANNEXURE--17(c)

ASHOKAN ROAD, SANTIPAL, CUTTACK - 751 000  
PHONE: 33902 (REG)

Fr  
So, Debraj Kumar Das.

A NO injury to Cervical spine  
at knee O.A.

Abd. Cond. - Not documented locally.  
- Core of back

Sp. - Felcam Gel. 1 ml  
to apply locally.

- Tab. Carisoma Campid (30)

1 ml twice daily

- Tab. Shalac - 500

1 ml daily

Advised to avoid long distance journey  
Review after 1 month

28/8/20

Attested.

19/8/20  
Admission  
The Applicant.

ANNEXURE-17(t)

Panbazar Mahanta  
MS. (ORTH)  
Orthopaedic Surgeon

Panbazar  
Guwahati-1  
☎ : 646902 (Res)

Date : .....

For

For Debananu d.c.b.

Added injury at knee -  
OA & Myalgia.

Adv: Contd care of back.

- Hot foam rubber locally

Ry: Two Nactol T.R Cap (20)  
1 Cap daily 2x

Syng Nervidone . 2pk  
2 x 2pk twice daily

Adv to end the treatment & review

2 (two) months.

Janak  
16.10.96

Dr. Anil Kumar Mahanta  
MS. (ORTH)  
Orthopaedic Surgeon  
Panbazar, Guwahati-1

Attested.  
19/8/96  
Advocate for  
the Applicant.

65  
64

☎ : 33042 (Res)

**Dr. Anil Kumar Mahanta**  
M.B.B.S., M.S. ORTH. (A.I.I.M.S.)  
Associate Professor Orthopaedics  
Guwahati Medical College

Anil Nagar, Rajgarh Link Road,  
Guwahati- 781 007

Ref : .....

Date : 22/4/94

By  
Dr. Anil Kumar Mahanta

A. Old trauma of knee  
OA. @ medial to lateral

Attested  
24/4/94  
19/8/96  
Advocate in  
the Applicant

Cond. - Exercises as before :

- Come 7 days

Review after 2 months.

22/4/94

~~ANNEXURE~~

66

ANNEXURE - 17/6/66

# X-RAY REPORTING FORM

M. M. C. HOSPITAL, PANBAZAR, GUWAHATI-1

Name— Debanu Devi

Age— 29 yr

Sex— F

O. P. D./Ward—

Bed No.—

Regd. No.—

Parts X-Rayed—

Wt knee

Date— 3/

## REPORT—

Slight Antra — lateral view

In 7.1.66 up to 2.5

Attested

19/8/96  
Advocate for  
the Applicant



67

GAUHATI MEDICAL COLLEGE & HOSPITAL

OUT-PATIENTS DEPARTMENT

ADVICE SLIP

2/8

ANNEXURE-17/2

Service & Unit..... OPD Date.....

Name Abhimanyu Deb Hospital No. 31107

Age 37 Sex M Regd. No. 5672

Advice -

51

Rx

① Leu promyron - (M)

sig: 1 tab twice daily → 7 days.

② Siklonac gel.

sig: To be applied locally.

Attended

[Signature]

19/8/96  
Advice given to  
the Applicant.

Advised →

① Routine exam<sup>n</sup> of blood, DLC, TLC, Platelet count.

② Rbc factors

③ ASO titre

④ Blood Urea.

Advised to attend O.P.D (Ortho) next Wednesday.

Dr. (Mrs) B. Das Mailra

M.B.B.S., D.M.C.W., F.P.T.

Chief Medical & Health Officer (Retd)

SONITPUR

68

ANNEXURE-17(J)

Ref No. ....

Date ~~26-7-96~~

26.1.96

Delangshu Deb.

9

① Dolonex Caps (30)

1 caps twice daily

② Sup Voberon 6 ampoules

1 ampal ~~in~~ alternate

days

3

To be continued for 3 months

Attested

19/1/96  
Advocate  
for the Applicant

B. Das Mailra

26.1.96

Chief Medical & Health Officer Retd.  
SONITPUR

~~ANNEXURE~~



8590  
7/11/95

This is certified that Sri  
debangshu Deb was suffering  
from "Giddha" <sup>in anal left testis</sup> <sup>and</sup> <sup>penis</sup> <sup>and</sup>  
was under my treatment  
since last 3 months. At  
present his treatment is  
sunning on. He is advised  
to avoid long distance  
journey and high altitude.

Attested.

19/8/96  
Advocate in the  
Applicant

Dr. [Signature] 46  
13/11/95  
(Dr. [Signature] 13/11/95)  
Medical Officer (Ayu)  
Kannada Civil Hospital  
Smitpur, Bangalore

Dr. (Mrs) B. Das Maitra

M.B.B.S., D.M.C.W., F.P.T

Chief Medical & Health Officer (Retd)

TEZPUR : SONITPUR

70

ANNEXURE-17(6)

Ref. No. ....

Date 1.4.96

Deleomaysha Deb

9

① Pyrexesic tablet 30 tabs  
1 tablet 3 times daily

② Alproxit 1 phial  
2 teaspoonfuls Twice daily  
after food.

To be continued for 4 months

Attested

19/8/96  
Address to  
the Applicant

B. Das Maitra  
1.4.96

Chief Medical Officer  
Sonitpur Tezpur

Dr. (Mrs) B. Das Maitra

M.B.B.S., D.M.C.W., F.P.T

Chief Medical & Health Officer (Rtd)

EXPER : SONITPUR

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ANNEXURE-17(m)

Ret. No. ....

Date 1.1.96

This is to certify that Sri Debangshu  
Das was suffering from Rheumatoid  
arthritis since - 26.1.96 and I advised  
him to remain in rest and not to undertake  
long journey and high altit' altitude. now  
he is under my treatment and he is also  
advised to avoid cold climate

Attested

19/1/96  
Agree with  
the Applicant

B. Das Maitra  
1.1.96

Signature of Applicant