

50/600

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-77/97 order sheet pg 1
Disposed date - 02/4/97

INDEX

O.A/T.A No. 171/96.....
R.A/C.P No.....
E.P/M.A No. 77/97.....

1. Orders Sheet.. OA-171/96.....Pg. 1.....to 4.....
2. Judgment/Order dtd. 14/5/97.....Pg. N.O. Separated order Dismissed.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 171/96.....Pg. 1.....to 28.....
5. E.P/M.P. 77/97.....Pg. 1.....to 5.....
6. R.A/C.P..... NIL.....Pg.....to.....
7. W.S..... NIL.....Pg.....to.....
8. Rejoinder..... NIL.....Pg.....to.....
9. Reply..... NIL.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

OA No. 171/96

Shri Gopal Prasad Applicant(s)
VS
Union of India & Ors. Respondent(s)

Mr. J. Sarkar Advocates for the applicant(s)
M. Chanda

Mr. S. Ali Sr. C.G.C. Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
	22.8.96	Mr. J.L.Sarkar for t applicant. Mr. S.Ali, Sr. C.G.S.C. for t respondents. Heard Mr. Sarkar for admissio He alleges mala fide in the transf order of the applicant from Imphal IB, Headquarters, New Delhi. Perus the contents of the application a the relief sought. Application admitted. Issue notice on t respondents by registered pos Written statement within six weeks. List for written statement further order on 27.9.96. Issue notice on the responder to show cause as to why the int relief as prayed should not granted. List for order on interm relief prayer on 27.9.96. It has bee submitted by Mr. Sarkar that th applicant has not been released o transfer till date. Pending disposa of show cause on interim prayer th respondents are directed to keep abeyance the Order No. 4/C6//96(2) 2023-2100 dated 25.3.1996 Annexure to the O.A. so far as it relates to th applicant. Copy of the order be supplie on both the counsel of the parties.

This application is in form and within time C. F. of Rs. 50/- deposited vide

IPO No 346771
Dated 21.8.96

S. Samra
Dy. Registrar. 21/8/96

2.9.96

Notices issued to the concerned parties vide D No. 2773 Dt. 27.8.96

16.9.96

Notice duly served on Respondent No. 1, 2, 3.

By

Show Cause has not been filed.

26/9

Member

trd
22/8

27.9.96

Learned counsel Mr J.L. Sarkar for the applicant. Mr S. Ali, learned Sr. C.G.S.C. for the respondents prays for one months time to file written statement.

List for written statement and further on 15.11.96.

No show cause on interim relief prayer. Therefore, interim order will continue till further orders.

Member

10/10-96

Copy of order dtd. 27-9-96 issued to the concerned parties vide D.No.

nkm
30/9

15.11.96

None for the applicants. Learned Sr. C.G.S.C. Mr S. Ali for the respondents.

Written statement has not been submitted. List for written statement and further orders on 16.12.96.

Member

Notice duly served on op. No. 1-3.
w/statement - has not been filed

4/11

(1) Notice duly served on Respondant No-1,2,3.

nkm
15/11

(2) written statement has not been filed.

18.12.96

Learned counsel Mr M. Chanda for the applicant. Learned Sr. C.G.S.C. Mr S. Ali for the respondents. No written statement has been submitted.

List for written statement and further orders on 9.1.1997.

Member

Notice duly served on op. 1-3

w/statement - has not been filed

nkm
19/11

9-1.97

Mr J.L.Sarkar for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents seeks four weeks time to file written statement.

List for written statement and further orders on 5.2.1997.

Member

4-2-97
1) Notice duly served on Respondant No-1-3
2) w/statement has not been filed.

pg
M
1/11

5.2.97

Mr J.L.Sarkar for the applicant.
Mr S.Ali, Sr.C.G.S.C for the respondents
Written statement has not been submitted.

List on 26.2.97 for written statement and further orders.

ba
Member

pg

M
6/2

26.2.97

None present. Written statement has not been submitted.

List for written statement and further orders on 19.3.97.

ba
Member

nkm

M
23/2

19-3-97

Mr.M.Chanda for the applicant.

Mr.S.Ali, Sr.C.G.S.C. for the respondents.
As prayed by Mr.S.Ali, list for written statement and further order on 9.4.97.

ba
Member

lm

M
20/3

23-4-97

9.4.97

Memo of appearance

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

Mr M.Chanda for the applicant. Mr S. Ali, learned Sr.C.G.S.C seeks 1 month further time to file written statement.

List for written statement and further orders on ~~13~~ 14.5.1997.

ba
Member

13.5.97

NO written statement has been submitted.

pg

h
13/5

M
10/5

1) Notice duly served on R. 1-3
2) w/ statement has not been filed

SA
12/3

1) Notice duly served on R. 1-3
2) w/ statement has not been filed

SA
24

14.5.97

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

This application was submitted by the applicant praying for a direction to the respondents to implement the provisions of the Office Memorandum No.20014/3/83-E.IV dated 14.12.1983 by posting him to a place of his choice after completion of tenure posting in the North Eastern Region. Mr Chanda submits that the applicant has already obtained the relief as the respondents had by an order No.4/C-6/97(2)-2413A dated 17.4.97 transferred him from Imphal to Patna and that the Joint Assistant Director, SIB, Government of India, Imphal had already released the applicant with effect from 31.5.97 vide office order No.98 dated 7.5.97. Copies of these orders have been furnished by him. Mr Ali confirms the above position.

In the facts and circumstances this application has become infructuous and it is dismissed as infructuous. No order as to costs.

16.5.97

Copy of the order has been sent to the D/Sec for issuing the same to the applicant.

[Signature]
Member

[Signature]
16/5

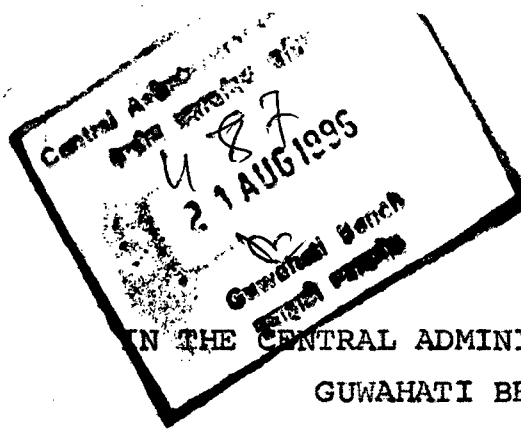
pg

15/5

Issued vide S.No.

2002 to 2007 of, 5.6.97

[Signature]



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An Application under Section 19 of the Administrative
Tribunals Act, 1985.

O.A. No. 171/96

Sri Gopal Prasad

-versus-

Union of India & Ors.

I N D E X

Sl. No.	Annexure	Particulars	Page No.
1	-	Application	1-19
2	-	Verification	20
3	1	Extract of O.M. dt. 14.12.83	21-22
4	2	Impugned Transfer Order dated 25.3.96	23-26
5	3	Memorandum dt. 4.8.96	27
6	4	Memorandum dt. 5.8.96	28

Received copy
File
Sr. C.S.C.
22/8/96

Date 21.8.96.

Filed By

M. K. Choudhary

Advocate

G. Prasad

Filed by the applicant
Mr. M. Choudhary
21.8.96. P.W.

1. Particulars of the Applicant.

Sri Gopal Prasad,
Assistant Central Intelligence Officer,
Grade-I/W.T.
Subsidiary Intelligence Bureau
4, Babu Para
Imphal-795001
Manipur. Applicant

2. Particulars of the Respondents.

i. The Union of India
Through the Home Secretary,
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

ii. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi-110001.

iii. The Assistant Director,
Subsidiary Intelligence Bureau
4, Babupara
Imphal-795001
Manipur Respondents

G Prasad

3. Particulars for which this Application is made.

This application is made against the order of transfer and posting of the applicant issued under Office Order No. 4/C6/96(2)-2023-2100 dated 25.3.96 whereby the applicant is transferred and posted from the Office of the Assistant Director, Subsidiary Intelligence Bureau (in short SIB) Imphal to the office of the Intelligence Bureau, Headquarter, New Delhi and also for a prayer for transfer and posting at choice station on completion of 13 years service in North Eastern Region for Patna in terms of his option submitted in the month of December 1995. Alternatively to retain him in the present place of posting at Imphal till consideration of his choice station of posting i.e. at Patna and for setting aside of the impugned transfer and posting order dated 25.3.96 in respect of the applicant and also against the impugned Memorandum issued under letter No. 4/PF(39)/92-781 dated 5.8.96.

4. Limitation

The applicant declares that the application is made within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

5. Jurisdiction

The applicant further declares that the subject matter of the case is within the jurisdiction of the Hon'ble Tribunal.

g Prasad

6. Facts of the case

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

6.2 That the applicant was initially appointed as Assistant Central Intelligence Officer, Grade II (Wireless Telephone) and posted at Dibang Valley at NEFA in Arunachal Pradesh on completion of his training in Madhya Pradesh in the year 1970. The following particulars of the detailed transfer and posting of the applicant are furnished hereunder during his 27 years of service under the Government of India, Ministry of Home Affairs.

Sl.No.	Place of Posting	Year/Duration
1	Dibang Valley, NEFA	1970-71
2	Dibrugarh	1971-72
3	Lohit Valley (Chaglagaon)	1972-74
4	Lucknow	1974-76 (Aug.)
5.	Lapthal (U.P. Border)	1976-77
6.	Joshimath (U.P. Border)	1977-78
7.	Patna	1978-79
8.	Dhanbad	1979-81
9.	Aizawl	1981-82
10.	New Delhi	1982-83
11.	Shillong	1983-92
12.	Imphal	1992-till date.

gPrasad

The above transfer and posting orders were issued from time to time and the present applicant being a disciplined officer of the Government of India had carried out the same. It would be further evident from the above transfer and posting that the applicant ~~xxxxxxx~~ most of the period in his service career has spent in the hard station.

6.3 That the applicant present serving in the cadre of Assistant Central Intelligence Officer Grade I (Wireless Telephone) in the Office of the Assistant Director, Subsidiary Intelligence Bureau, 4 Babu para, Imphal since 1992. The wife of the applicant Smt. Madhuri Gupta is also a Government employee serving as Teacher in the Navodaya Vidyalaya 12 kilometres away from Imphal. Govt ? The applicant has got two sons namely, S/Shri Abhishek Gupta and Abhinava Gupta. The eldest son Sri Abhishek Gupta is now staying alone at Patna for the purpose of his education and no one is there at Patna to look after him and the 2nd son Sri Abhinava Gupta is staying at Bhupal in Bachelor of Engineering Course. The applicant had already spent more than 13 years of service in the North Eastern Region at a stretch, out of 13 years he had spent 9 years at Shillong and thereafter he was transferred and posted at Imphal under the office of the Assistant Director, Subsidiary Intelligence Bureau in the year 1992 and thereafter continuously working there under the Assistant Director till date.

J. Prasad

6.4 That in the month of December 1995, Intelligence Bureau, Headquarter, New Delhi called for option for the purpose of transfer and posting of the officers serving in different regions under the Government, SIB, Ministry of Home Affairs. The applicant accordingly submitted his option for choice station posting at Patna. The same was duly forwarded by the Assistant Director, SIB, IMPHAL, to the Intelligence Bureau, Headquarter, New Delhi. Be it stated that the applicant being an intelligence officer of the department of Intelligence Bureau saddled with All India Transfer Liability.

6.5 That Government of India, Ministry of Finance under Memorandum No. 20014//3/83-E.IV dated 14.12.1983 issued certain improvement/facilities for the officers serving North Eastern Region having All India Transfer Liability whereby the officers who have completed 10 years of service are entitled to choice station of posting on completion of 2 years of tenure in the North Eastern Region and the officers who ~~xxx~~ who have completed less than 10 years of service are also entitled for choice station posting on completion of 3 years of tenure posting in the North Eastern Region. The relevant portion of the Office Memorandum No. 20014/3/83.E.IV dated 14.12.83 is quoted below :

" (i) Tenure of posting/deputation :

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time

Prasad

for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended."

From the above Office Memorandum it is quite clear that the applicant who is serving North Eastern Region since 1983 and is saddled with All India Transfer Liability is entitled to be posted at his choice station. Accordingly the applicant in terms of the above Office Memorandum are entitled to get priority for posting at Patna as in terms of the option invited by the Intelligence Bureau Headquarter, New Delhi and thereby he has acquired a valuable right by serving 13 years at a stretch since 1983 in the North Eastern Region.

6.6. *Copy of an extract of the O.M. dt 14.12.83 issued by The Ministry. Finance is annexed as annexure - 1.* Most surprisingly the applicant has received the transfer and posting Order issued by the Intelligence

Ghasad

12

Bureau, Headquarter, Ministry of Home Affairs, New Delhi vide Officer No. No. 4/6/96(2)-2023-2100 dated 25.3.96 whereby the applicant is sought to be transferred and posted from the office of the Assistant Director, Imphal to the office of the IB Headquarter, New Delhi. His name is figured in the transfer and posting Order dated 25.3.96 at serial No. 14. But surprisingly in the said transfer and posting order dated 25.3.96 two other officers namely S/Shri C.P.Singh, P.N. Mistry who were also serving in the North Eastern Region have been transferred to Patna, SIB, from SIB, Kohima and Guwahati respectively. In this connection it may be stated that these two officers who ~~were~~ were serving in the same rank as Assistant Central Intelligence Officer, Grade I(W/T) who were junior to the present applicant and were serving in the North Eastern Region about 6 years and 8 years respectively whereas the present applicant has been serving for last 13 years in the North Eastern Region but the option submitted by the present applicant is not considered by the Headquarter, Intelligence Bureau, New Delhi whereas Shri C.P.Singh and Shri P.N. Mistry who were hailed from Bihar, their option for their home state were submitted and the same has been considered by the Intelligence Bureau, Headquarter and thereby the authorities have acted mala fide and also violated the transfer and posting guidelines issued by the Government of India, Ministry of Finance, New Delhi. Be it stated that all transfers and postings of the officers serving in the cadre of Assistant Central Intelligence

Grasad

Officer Grade I (WT) are being considered by the then Director, Shri D.C. Pathak, Intelligence Bureau, Headquarter, New Delhi.

~~6.7~~XXXXXXXXXXThat your

A copy of the Transfer Order dated 25.3.96 hereto is annexed/and the same is marked as Annexure-2.

6.7 That your applicant immediately on receipt of the transfer order dated 25.3.96 submitted a representation to the Director, Intelligence Bureau, New Delhi wherein the applicant had sought an interview with the then Director, Sri D.C. Pathak for cancellation of his transfer and posting order issued on 25.3.96. The office of the Assistant Director, SIB, Imphal intimated the applicant vide Office Office Memorandum No. 3/EST/TP/96(3)-650 dated 4.7.96 whereby it is intimated to the applicant that the IB Headquarter, New Delhi permitted the applicant for appearing before the Director, Intelligence Bureau in ~~December 1996~~ Darbar at New Delhi on 11.7.96 (Thursday), accordingly the applicant appeared before the then Director D.C. Pathak on the stipulated date and time i.e. on 11.7.96 where the applicant requested the Hon'ble Director the then Sri Pathak for cancellation of the transfer and posting order dated 25.3.96 on the ground that he has got certain personal difficulties as the eldest son Shri Abhishek Gupta is now studying at Patna. For the purpose of his education there is none to look after him and also on the ground he is entitled for choice station posting in terms of the Office Memorandum dat. 14.12.83 issued by the Ministry of Finance, Govt.

J. Prasad

of India and on the ground that he has completed more than 13 years of service in the North Eastern Region and it is also submitted by the applicant before the Director that if it is not possible to reconsider his transfer and posting at Patna in that event he may be allowed to retain in the present place of posting i.e. Imphal till reconsideration of his posting at Patna as his wife is also a Government employee serving in Navodaya Vidyalaya near Imphal. It is also brought to the notice of the Director, Sri D.C.Pathak that the applicant is required to construct a house at Patna since 8 years of of service only is left with the applicant. It is also brought to the notice of the then Director that juniors of the applicant namely Shri C.P. Singh and Shri P.N.Mistry who are junior to the applicant serving North Eastern Region only for a period of 6 years and 8 years respectively but their cases has been considered Directorate in terms of their options for choice station posting whereas the applicant being a longest stayee in the North Eastern Region his case is not considered for choice station posting i.e. Patna. The applicant also pointed that how Shri C.P.Singh who is junior of the applicant was posted at Patna 3-4 occasions during this service career.

The applicant very humbly submitted before the Director for reconsideration of his transfer and posting for Patna and it is also requested that in the event if

J. Prasad

15

the case of the applicant cannot be considered for Patna at this stage he may be retained to his present place of posting at Implal on the extreme compassionate ground ~~xxxxwaiving his~~ because his wife is serving near Imphal in Navadoya Vidyalaya and she is also a Government employee. But the then Director Shri D.C.Pathak did not agree to reconsider his transfer and posting at Patna and also not agreed to allow him to retain in the present place of posting i.e. Imphal and in clear violation of rules and regulation the then Director, Sri D.C. Pathak intimated formally by the Office Memorandum issued under letter No. 4/PF(32)/92-781 dated 5.8.96 through Assistant Director Imphal to the applicant with reference to his audience that Director, Intelligence, Bureau, New Delhi on 11.7.96 at I.B. Headquarter, New Delhi did not accept the plea and observed that the applicant should join at I.B. Headquarter, New Delhi as there was no case for any change. The rejection of his audience the Director of Intelligence Bureau is in total disregard of the Government Policy for transfer and posting of the officers saddled with All India Transfer liability serving in North Eastern Region. Moreover the applicant being a longest stayees in the North Eastern Region ought to have given preference for choice station posting in terms of the Office Memorandum dated 14.12.83 issued by the Ministry of Finance. It is reliably learnt that Shri C.P. Singh and Sri P.N. Mistry who have served only 6-8 yers in the North Eastern Region were favoured by the then Director Sri D.C. Pathak. Therefore the transfer and posting order of the applicant issued under impugned

G Prasad

order dated 25.3.96 is arbitrary, ~~wharere~~ whimsical and contrary to the policy guideline issued by the Government of India from time to time and the same is issued that a clear intention to favour Shri C.P. Singh and Sri P.N. Mistry therefore the ~~mx~~ impugned order of transfer and posting issued under letter dated 25.3.96 in respect of the applicant is liable to be set aside and quashed.

6.8 That your applicant further begs to state that although that he had received the Office Memorandum dated 5.8.96 on that day itself till date he has not been released from duty and the applicant is still serving under the office of the Assistant Director, SIB, Imphal but apprehending that the Assistant Director may relieve him at any moment in terms of the impugned transfer and posting order dated 25.3.96. Therefore interference of the Hon'ble Tribunal is very much required for staying the operation of impugned transfer and posting order dated 25.3.96 in respect of the present applicant till final disposal of the Original Application.

6.9 That your applicant further begs to state that one Shri P.C. Sahay, Assistant Central Intelligence Officer Grade I (WT) who is serving at Gangtok also accommodated at Patna, SIB, ~~wha~~ on his request although he was transferred and posted to IB, Headquarter, New Delhi vide Transfer and Posting order 25.3.96 whose name is figured at serial No. 4. Therefore the action of the then Director as regard the transfer and posting seems to be very arbitrary, illegal and unfair and all transfers and postings of the officers mentioned

lykrasad

above has been considered and accommodated as per choice of Sri D.C.Pathak the then Director without following the policy guidelines laid down by the Govt. of India in the matter of transfer and posting in respect of the officer saddled with All India Transfer Liability and the then Director acted malafide in the transfer and posting of the present applicant and also did not agree to reconsider even when the applicant pointed out the guidelines of the transfer policy of the Govt. of India as well as also intimated the then Director that he is serving for last 13 years in the North Eastern Region and being a longest stayee officer in the North Eastern Region entitled to be posted at choice station at Patna in terms of the Office Memorandum dated 14.12.83 and also pointed out that other two junior officers namely S/Shri C.P.Singh and P.N.Mistry who are considered for their choice station at Patna had served the North Eastern Region only for a period of 6-8 years respectively. But even then the then Director did not agree to reconsider the case of the present applicant. Be it stated that it is also pointed out before the Director that the wife of the present applicant is a Government serving near Imphal in the Navodaya Vidyalaya and if the transfer and posting of the applicant cannot ~~be considered~~ ^{be considered} at this stage for Patna he may be allowed to retain in the present place of posting i.e. Imphal but the same also rejected by the then Director, Sri D.C.Pathak, IB, Headquarter, New Delhi.

gprasad

Therefore the impugned order of transfer issued under letter dated 25.3.96 and the impugned Memorandum dated 5.8.96 are liable to be set aside and quashed under the facts and circumstances stated above.

6.9 That your applicant begs to state that one Sri Ranjit Singh, Assistant Central Intelligence Officer Grade 1 (WT) is present serving at Patna in the office of the Joint Director and he has completed 3 years plain tenure posting including Delhi and Patna and now liable to be transferred and posted to hard station as per practice exists in the department of Intelligence Bureau. But the said Shri Ranjit Singh able to manage the authorities to retain in his home town posting at Patna. In this connection it may further be stated that there are altogether 8 officers serving in the cadre of Assistant Central Intelligence Officer Grade I (WT) under the Joint Director, SIB, Patna, All of them hail from the state of Bihar but the applicant who is serving in the hard station in the NER even then his case is not considered in terms of Government policy of transfer and posting. Therefore the impugned order of transfer and posting dated 25.3.96 is liable to be set aside and quashed.

6.10. That your applicant begs to state that the higher authorities being model employer liable to adopt fair policy in the matter of transfer and posting of the subordinate officers. But in the instant case it appears that the authorities have extended undue favour to S/Shri C.P.Singh, P.N.Mistry, Ranjit Singh, P.C.Saha in depriving

J. Prasad

the due and legitimate claim of choice station posting of the applicant.

6.11. That the applicant finding no other alternative approaching the Hon'ble Tribunal for protection of his rights and interests by filing this Original Application.

6.12. That this application is made bona fide and for the cause of justice.

7. Reliefs sought for :

Under the facts and circumstances the applicant prays for the following reliefs :

1. That the impugned order of transfer and posting issued under letter No.4/C6/96(2)-2023-2100 dated 25.3.96 (Annexure-2) whereby the applicant is transferred and posted from Subsidiary Intelligence Bureau, Imphal to ~~Subsidiary~~ Intelligence Bureau, Headquarter, New Delhi be ~~stayd~~ set aside and quashed in respect of the applicant.
2. That the impugned Memorandum issued under letter No.4/PF(39)/92-781 dated 5.8.96 (Annexure-4) be set aside and quashed.
3. That the respondents be directed to transfer the applicant at his choice station at Patna in the light of his option and also in terms of Office Memorandum dated 14.12.93 issued by the Government of India, Ministry of Finance, New Delhi, or

gfrasad

that the respondents be directed to retain the applicant in the present place of posting at Imphal under the Assistant Director, Subsidiary Intelligence Bureau, Imphal in the same capacity till his posting on transfer to Patna in terms of his option and also in terms transfer and posting guidelines issued under Office Memorandum dated 14.12.1983 by the Ministry of Finance.

- 4. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated in this application.

The above reliefs are prayed on the following amongst other -

- G R O U N D S -

- 1. For that the applicant has served more than 13 years of service with effect from 1983 in the North Eastern Region.
- 2. For that the applicant acquired a legal and valuable right in terms of the Officer Memorandum No. 20014/3/83-E.IV dated 14.12.1983 for choice station posting.
- 3. For that juniors of the applicant S/Shri C.P.Singh P.N.Mistry who have served only 6-8 years respectively in the North Eastern Region have been considered for choice station posting at Patna in terms of their options.

gfrasad

-17-

4. For that Shri P.C. Sahai who is also transferred and posted from SIB, Gangtok to Intelligence Bureau, Headquarter, New Delhi by the same impugned transfer order dated 25.3.96 also reconsidered for his choice station of posting i.e. at Patna.
5. For that Sri R. Singh posted present at Patna has already completed 3 years of posting at plain areas including his posting at Delhi but able to manage the authorities to continue at his home town i.e. at Patna.
6. For that the wife of the applicant Smt. Madhuri Gupta is a Government employee and serving as Teacher in Navodaya Vidyalaya near Imphal.
7. For that no one is at Patna to look after the eldest son of the applicant who is studying at Patna for continuing his education.
8. For that the applicant with regard to construct the house at Patna as the applicant has left only 8 years of service at his credit.
9. For that all transfers and postings of the officers namely S/Shri C.P. Singh, P.N. Mistry, R. Singh, P.C. Sahai are considered for choice station posting with undue favour.
10. For that the transfer and posting order is issued in total violation of the transfer and posting guidelines issued under Officer Memorandum issued by the Ministry of Finance dated 14.12.1983.

Jhasad

- 11. For that the authorities acted in mala fide in the matter of transfer and posting of the applicant issued under officer order dated 25.3.1996.
- 12. For that the Memorandum dated 5.8.96 issued by the then Director Shri D.C. Pathak without application of mind and without taking into consideration the guidelines of transfer and posting issued by the Ministry of Finance, dated 14.12.1983.
- 13. For that the applicant is a longest stayee officer serving in the North Eastern Region is entitled to be posted at his choice station of posting.

8. Interim relief prayed for :

During the pendency of this application the applicant prays for the following interim reliefs :

- 1. That the impugned order issued under letter No.4/C6/96 (2)-2023-2100 dated 25.3.96 (Annexure-2) be stayed in respect of the applicant and further be pleased to direct the respondents not to relieve the applicant till final disposal of the original application.

The above reliefs are prayed on the grounds explained in paragraph 7 of this application.

Grasad

9. That the applicant declares that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

10. That the applicant states that there is no any other forum save and except filing this application before this Hon'ble Tribunal.

10. Details of Indian Postal Order

No. of I.P.O.	:	one 346771
Date of Issue	:	21/8/96
Issued from	:	G.P.O., Guwahati
Payable at	:	G.P.O., Guwahati

11. Details of Index

An Index containing the details of documents is enclosed.

12. List of enclosures :

As per Index.

gkrasad

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

*(initials)
Adv.
22.8.96*

I, Sri Gopal Prasad, son of Shri Babu Sahib.
aged about 50 years working as Asstt. Central
Intelligence Officer, Gr. I/WT in the office of the
Asst. Director, SIB, Imphal, applicant in this
application do hereby solemnly affirm and declare
after going through the application that the statements
made in this application are true to my knowledge
and belief and I have not suppressed any material
facts.

I, sign this verification on this the 21st day
of August, 1996 at Guwahati.

G Prasad
Signature

AN EXTRACT OF THE O.M. DATED 14.12.1983 ISSUED BY THE
MINISTRY OF FINANCE, NEW DELHI.

OFFICE MEMORANDUM

Subject : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region-improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur Nagaland, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for sometime. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving this Region and to suggest suitable improvements, the recommendations of the Committee have been carefully considered by the Government and the president is now pleased to decided as follows :

1. Tenure of posting/deputation :

There will be a fixed tenure of posting of 3 years at a time for offeres with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be

Attended
Chhale
JLV

considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the State/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

Attended
@Mishra
A-W

ORDER

Annexure - 2
212

The transfers of the following ACIOs-I(WT) are ordered with immediate effect :-

Sl.No.	Name & PIS No. S/Shri	D.O.B.	From	To
1.	N.S. Pillai 102440	23.09.45	SIB Guwahati	SIB Trivandrum
2.	D.L. Bokil 117249	17.12.49	SIB Siliguri	SIB Bombay
3.	K.C.S. Mair 116894	03.07.50	SIB Tezpur	SIB Trivandrum
4.	P.C. Sahay 102438	20.01.46	SIB Gangtok	IB Hqrs.
5.	P.N. Mishra 101645	07.07.49	SIB Guwahati	SIB Bhubneswar
6.	C.F. Singh 112720	02.02.49	SIB Kohima	SIB Patna
7.	B.D. Bhattacharya 115485	22.04.52	SIB Kohima	SIB Siliguri
8.	Onkar Singh 102148	08.01.45	SIB Aizwal	I.B. Hqrs.
9.	S.K. Chattopadhyaya 112697	26.10.46	SIB Kalimpong	I.B. Hqrs.
10.	P.N. Mistry 111828	01.01.47	SIB Guwahati	SIB Patna
11.	Kewal Ram 118794	20.03.48	SIB Chandigarh	I.B. Hqrs.
12.	A.K. Bhandari 101845	16.01.46	SIB Chandigarh	SIB Aizwal
13.	S.M. Sharma 111803	01.08.51	SIB Chandigarh	SIB Kohima
14.	Gopal Prasad 102436	30.09.46	SIB Imphal	I.B. Hqrs.
15.	Ferminder Singh 111797	26.01.46	SIB Amritsar	I.B. Hqrs.
16.	A.P. Dhallia 110746	20.06.48	SIB Chandigarh	I.B. Hqrs.
17.	B.R. Mahi 116113	11.04.49	SIB Chandigarh	I.B. Hqrs.

Attended
Bhalla
A/W

-26-

28

Sl.No.	Name & PIS No. S/Shri	D.O.B.	From	To
18.	S.K.Neogi 111829	01.02.48	SIB Dibrugarh	SIB Calcutta
19.	I.S.Johar 111256	20.05.43	SIB Srinagar	SIB Chandigarh
20.	H.K.Nayyar 117596	18.04.47	I.B.Hqrs.	SIB Kohima
21.	A.V.S.Murthy 115930	01.07.45	SIB Trivandrum	SIB Hyderabad
22.	H.P.Manda 102405	05.11.48	I.B.Hqrs.	SIB Chandigarh
23.	T.K.Anand 111413	27.07.50	SIB Madras	SIB Port Blair
24.	B.N.Singh 112409	02.11.45	I.B.Hqrs.	SIB Shillong
25.	D.K.Samajdar 112968	26.04.47	I.B.Hqrs.	SIB Aizwal
26.	R.N.Sinha 118275	15.04.47	SIB Patna	SIB Kohima
27.	M.C. Dhara 117836	25.11.46	SIB Bhubneswar	SIB Kalimpong
28.	A.S.Bhattacharya 112851	16.07.48	SIB Calcutta	SIB Agartala
29.	P.M.Sundaram 117252	01.07.47	SIB Vijayawada	SIB Bangalore
30.	S.Chandrasekharan	08.11.46	SIB Bangalore	SIB Imphal
31.	P.N.Sahu 110646	05.01.49	I.B.Hqrs.	SIB Guwahati
32.	V.Balachandran 117112	27.01.50	SIB Trivandrum	SIB Shillong
33.	D.P.Malhan 101852	05.04.46	I.B.Hqrs.	SIB Agartala
34.	Parsuram Jee 117254	30.04.50	SIB Jamshedpur	SIB Agartala
35.	R.R.Chaudhary 101333	08.11.45	SIB Jaipur	I.B.Hqrs.
36.	R.S.Bhandari 111248	03.04.45	I.B.Hqrs.	SIB Dibrugarh

Attested
Chaitanya
ASW

Sl.No.	Name & PIS No. S/Shri	D.O.B.	From	To
37.	R.K.Nand 101349	28.04.48	I.B.Hrs.	SIB Shillong
38.	R.C.Arora 101329	01.05.49	I.B.Hrs.	SIB Amritsar
39.	R.K.Tikoo 111253	27.08.41	SIB Bombay	SIB J&K Srinager
40.	S.P.Joshi 113304	29.01.49	ITBF Leh	I.B.Hrs.
41.	M.Narayanan 113766	15.02.48	SIB Port Blair	SIB Madras
42.	O.P.Chopra 111258	15.06.44	SIB Chandigarh	I.B.Hrs.
43.	Amar Kumar 116978	03.06.51	ITBF Leh	SIB Bareilly

2. The Officers should be relieved on transfer latest by 31.05.1996.

3. While effecting the transfers, every effort has been made to accommodate the requests/options exercised by the officers, as far as possible. No representation would, therefore, be entertained against the transfers, except on extreme compassionate grounds. The SIBx/Controlling Officers are, therefore, requested not to forward routine representations of the officers against the transfers and instead should relieve the officers. However, representations on extreme compassionate grounds may be forwarded within one month from the date of issue of the orders. Representations received after the due date would not be entertained and be filed straightway. While forwarding the representations, the SIBx/Controlling Officers should keep in mind the instructions laid down in I.B.Hrs circular No.11/30(C)/90(1) dt.06.09.90. Representations in violation of these instructions are also liable to be rejected.

Sd/-
(S. Jayaraman)
Deputy Director

No.4/C6//96(2)-2023-1100
Intelligence Bureau,
(Ministry of Home Affairs),
Government of India

New Delhi, the 25/3/96

*AAest-ef
Opulu
D.V.*

Copy to :

1. SDE
2. Adcl. Director : J&K Srinagar, Chandigarh
3. JDS : E, Tech-Ops, IB Hqrs., New Delhi
4. JDS : SIBx Chandigarh, Trivandrum, Bombay, Patna, Calcutta, Kohima, Hyderabad, Madras, Shillong, Bangalore, Guwahati, Lucknow, Jaipur
5. DDS : E, Tech-MC, IB Hqrs., New Delhi
6. DDS : SIBx Chandigarh, Bombay, Patna, Calcutta, Kohima, Hyderabad, Madras, Shillong, Bangalore, Guwahati, Lucknow, Jaipur, Tezpur, J&K, Amritsar, Shimla
7. ADS : SIBx Siliguri, Gangtok, Amritsar, Aizawl, Kalimpong, Imphal, Dibrugarh, J&K Srinagar, J&K Jammu, Vijaywada, Bhubneswar, Bareilly, ITBF Leh, Port Blair, Agartala
8. ADS : Admn., G, C-II, CC, Stores, Tech-Stores, Computer, Tech-Comm., Tech-Eqpt., SFS-V, TP, HF, Z
9. SOS : C-II, CC, Stores, Cash-II/SB Section (2 copies), ACR, WT at IB Hqrs., New Delhi
10. SO's folder
11. PF
12. Shri P.K.Mishra, Asstt./C-6 Branch
13. CIO : Jamshedpur

K.L. Kataria
 (K.L.KATARIA)
 Assistant Director

*Attended
 Chh
 A.W.*

Annexure-3

No. 3/Est/TP/96(3)-650
Subsidiary Intelligence Bureau
(M-Inistry Of Home Affairs)
Government of India
Manipur

Imphal, dated :

MEMORANDUM

Please refer to IB Hqrs., New Delhi TPM issued from file No. 7/96(4)-II-2145 dated 25.6.96 regarding your request for appearing before DIB in Darbar.

2. In this connection you are permitted to report to IB Hqrs., New Delhi NGO-I by 1430 hours on 11.7.96 (Thursday).

for Assistant Director

To
Shri Gopal Prasad, ACIO-I/WT
S.I.B. Imphal.

*Attended
Chhlu
Adv*

NO: 4/PF(39)/92-73
SUBSIDIARY INTELLIGENCE BUREAU
(Ministry of Home Affairs)
Government of India
Imphal, Manipur.

Dated at Imphal the 5 Aug 1996

Memorandum

With reference to his audience with DIB on 11.7.96 at IB Hqrs., Shri Gopal Prasad is informed that the DIB did not accept his plea and observed that he should join IB Hqrs. as there was no case for any change.

Sd/- Illegible
for Assistant Director

To

Shri Gopal Prasad, ACIO-I/WT
S.I.B., Imphal

Attended
Only
[Signature]