

50/600
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-203/96 ordersheet Pg-1

INDEX

Disposed Date-05/12/96

O.A/T.A No. 179/96.....

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

E.P/M.A No. 203/96.....

1. Orders Sheet O.A-179/96..... Pg..... 1 to 4
2. Judgment/Order dtd. 05/12/96..... Pg. N.O. Separated order Disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... O.A-179/96..... Pg..... 1 to 36
5. E.P/M.P..... 203/96..... Pg..... 1 to 6
6. R.A/C.P..... N.I.L...... Pg..... to.....
7. W.S..... Pg..... 1 to 31
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

No. 129196

S. S. Shad

Applicant(s)

vs

NO 2 X M.

Respondent(s)

Mr. B. Banerjee

Advocates for the applicant(s)

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

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/BD No 296804
Dated 26.8.96

S. S. Shad
26/8/96
Dr. Registrar.

27-8-96 Learned counsel Mr. B. Banerjee
for the applicant. Mr. S. Ali Sr.
C.G.S.C. for the respondents.
Issue notice on the respondents
why the application should not be
admitted and reliefs sought allow-
ed. Returnable on 10-9-96. List
on 10-9-96 for consideration of
show cause and for Admission.
Steps within to-day.
Registry should issued the
notice immediately.
Pendency of consideration of
Admission shall not be a bar for
the respondents to disposed of
the representation dated 27-6-96
stated to have been sent by the
applicant to the Director General
of Assam Rifles, Shillong through
proper channel. Further the res-
pondents are directed not to
implement the impugned transfer
order No. 11012/A-21/96/317 dated
24-6-96 (Annexure 7) ^{and the} another letter
No. 11012/A-121/96/1590 dated
13-8-96 (Annexure 10) pending dis-
posal of show cause and considera-
tion of Admission.

1m

60
Member

Boor

M
27/8

10-9-96

Learned counsel Mr.B.Banerjee for the applicant. None for the respondents. Show cause has not been submitted. Adjourned for show cause and consideration of Admission on 23-9-96.

Inform to the parties.

MR
10/9

lm
MR
10/9

69
Member

Interim order dated 27-8-96 shall continue.

16.9.96

23.9.96

Notice duly served on
Respat No. 2

BM

Show cause has not been
bw

25/9

pg

MR
23/9

69
Member

Interim order dated 27-8-96 shall
continue.

Convey the
order dated 23.9.96.

MR
23/9/96

27.9.96

Show cause has not been

bw

26/9

4.11.96

Dis. filed by the

R. nos 1 — 4

nkm
MR
30/9

Mr B. Banerjee, learned counsel for the applicant is not present due to personal difficulty as mentioned by Mr K. Bhattacharjee. Show cause has not been submitted and Mr S. Ali, learned Sr. C.G.S.C. seeks one month time for filing the show cause.

List for show cause and consideration of admission on 12.11.96.

Interim order dated 27.8.96 shall continue till disposal of the show cause.

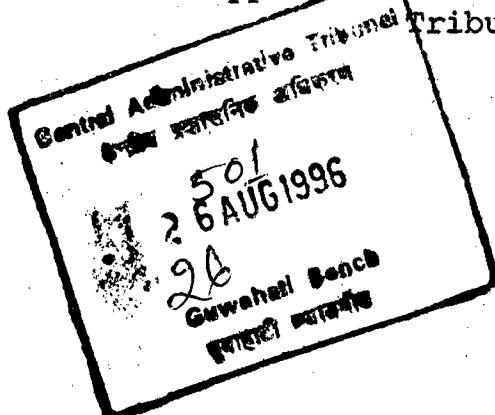
69
Member

OFFICE NOTE	DATE	ORDER
1) Notice duly served on respdt no. 2. 2) w/statement has been b/w. 3) 28/11	12.11.96	<p>Learned counsel Mr. B. Banerjee for the applicant. Learned Sr. C.G.S.C. Mr. S. Ali for the respondents. Show cause/written statement have been submitted by respondent Nos. 1, 2, 3 and 4 and served on Mr. Banerjee today. Mr. Banerjee submits that he needs time for instructions. He also submits that the applicant has since been transferred to CGHS, Patna vide order No. A-22012/33/96-CHS-II dated 20.9.1996, but he has not been released. Mr. Ali seeks time for instructions on the latest development.</p> <p>In the circumstances list for consideration of admission and disposal of show cause/written statement on 29.11.96.</p>
1) Notice duly served on o.p.no. 2. 2) w/statement has been b/w. 3) 4/12	29-11-96	<p>Mr. B. Banerjee counsel for the applicant. Leave note of Mr. S. Ali, Sr. C.G.S.C.</p> <p>List for consideration of Admission on 5-12-96.</p>
	5.12.96	<p>Learned counsel Mr. B. Banerjee for the applicants. Learned Sr. C.G.S.C. Mr. S. Ali for the respondents.</p> <p>This application has been submitted by the applicant for quashing and setting aside his order of transfer from 30 AR to 18 AR, No. 11012/A-21/96/317 dated 24.6.1996 (Annexure-7), to repatriate the applicant to his parent department, Central Health Service under the Ministry of Health and Family Welfare, Government of India, and to post him to a place of his choice in terms of O.M.No.20014/3/83.E.IV dated 14.12.1983 of</p>

OFFICE NOTE	DATE	ORDER
	5.12.96	<p>the Ministry of Finance, Government of India. The respondents have submitted their written statement. Now it transpires that the applicant has since been repatriated to his parent department and transferred from Assam Rifles to CGHS, Patna vide order No.A.22012/33/96-CHS-II dated 20.9.1996 of the Ministry of Health and Family Welfare. Thus the reliefs sought by the applicant in this application have already materialised and, therefore, the application has become infructuous to the extent the applicant has been granted relief by the respondents. Mr Banerjee, however, submits that the applicant has not been released till date.</p> <p>After hearing Mr Ali and Mr Banerjee the application is disposed of as the applicant had already obtained the relief from the respondents as indicated above with a direction to the respondents to release the applicant pursuant to the transfer order dated 20.9.1996 as early as it is administratively convenient. The respondent Nos.2, 3 and 4 are further directed to retain the applicant in the present place of posting at 30 AR till his release pursuant to the transfer order dated 20.9.1996 mentioned above. The respondent No.1 is directed to keep one post of Senior Medical Officer in the Central Health Services, Patna, vacant for the applicant pending his release by respondent Nos.2, 3 and 4 mentioned above.</p> <p>The application is disposed of as above.</p> <p>Copy of the order may be furnished to the counsel for the parties.</p> <p>6/12</p> <p>Copy of order issued to the party vide <u>o/a</u>, along with the L/Advocates of the parties vide <u>o/a</u>. Look to L/101 dd 10.12.96</p>
6/12	nkm	
		6/12/96 Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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



O.A. No. 179 / 96

Dr. Shib Shankar Shah

-versus-

Union of India & Ors.

I N D E X

S.l.No.	Annexure	Particulars	Page No.
1	-	Application	1-19
2	-	Verification	20
3	1	Appointment letter dated 6.11.87	21-24
4	2	Transfer/posting guidelines dated 29.8.92	25-27
5.	3	Option for transfer dt. 04.05.96	28
6	4	Forwarding letter dated 15.5.96	29
7	5	Forwarding letter dated 24.6.96.	30
8	6	Forwarding letter dated 18.7.96	31
9	7	Impugned Transfer/posting order dated. 24.6.96	32
10	8	An Extract of O.M. dt. 14.12. 1983	33-34
11	9	Certificate issued by Associate Professor, RIMS dt. 27.6.96	35
12	10	Posting Order dt. 13.8.96	36

Date :

Filed By :
No. B. Banerjee
Advocate

DR SHIB SHANKER SHAH

Filed by the
Applicant through
B. Banerjee
26.8.96

1. Particulars of the Applicant.

Dr. Shub Shankar Shah

Son of late Ram Ratan Shan

Sr. Medical Officer,

30 Assam Rifles,

C/o 99 APO

..... Applicant

2. Particulars of the Respondents

1. The Union of India

through the Secretary to the Govt. of India

Ministry of Health and Family Welfare,

New Delhi.

2. The Secretary to the Government of India,

Ministry of Home Affairs,

Government of India,

New Delhi.

3. The Director General of Assam Rifles

Ministry of Home Affairs

Assam Rifles,

Shillong

4. The Commandant,

30 Assam Rifles,

C/o 99 A.P.O.

5. Dr. N.I.Singh,

Sr. Medical Officer,

18 Assam Rifles,

C/o 99 APO

..... Respondents

DR SHUB SHANKER SHAH

3. Particulars for which this application is made.

This application is made against the transfer and posting order issued under letter No. 11012/A-21/96/317 dated 24.6.96 whereby the applicant is sought to be transferred and posted from 30 Assam Rifles i.e. from Imphal to 18 Assam Rifles i.e. Lunglei, Mizoram and also against the order issued under letter No. 11012/A-121/96/1590 dated 13.8.96 and also praying for a direction upon the respondents to continue to allow the applicant at least for a period of one year in the present place of posting i.e. at Imphal, 30 Assam Rifles.

4. Limitation

That the applicant declares that this application is filed within the prescribed time limit in Section 21 of the Administrative Tribunals Acti, 1995.

5. Jurisdiction

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

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. The applicant is presenly serving as Senior Medical Officer in 30 Assam Rifles, Imphal Manipur.

6.2 That your applicant although initially appointed in the year 1985 on temporary basis as medical Officer under the Directorate General of Assam Rifles and posted at 16 Assam Rifles i.e. at Ghaspani, Nagaland, however the applicant subsequently qualified in the competitive examination conducted by the Union Public Service Commission on All India basis and on the recommendation of the UPSC the applicant was appointed as Medical Officer in the Central Health Services vide Office Memorandum No. A.12025/84/87-CHS-I dated 6.11.87 issued by the Government of India, Ministry of Health and Family Welfare. In the said Memorandum dated 6.11.1987 in paragraph 10 wherein it is stated that the applicant be liable to serve in Defence service or post connected with the defence of India for a period of not less than 4 years including the period spent on training if any, if so required and the applicant initially posted under the Directorate General of Assam Rifles after being regularly appointed in Central Health Services. The Director General of Assam Rifles is an organisation under the Ministry of Home Affairs but the organisation of the Directorate General is connected with the defence of India. The applicant initially posted at Ghaspani, 16 Assam Rifles, Nagaland and continued even after his regular appointment in the Central Health Services under the Ministry of Family and Health Welfare. The applicant served at Ghaspani upto December 1990. Be it stated that Ghaspani of Nagaland is a very interior place in the state of Nagaland and he had served there for a period of 5 years.

A copy of the Office Memorandum dated 6.11.87 is annexed hereto and the same is marked as Annexure-1.

DR SHIB SHANKAR SHAH

6.3 That your applicant was transferred and posted to 25 Assam Rifles i.e. in Ukhrul District of Manipur in the month of December 1990 from 16 Assam Rifles. Ukhrul is also located near Burma Border and is a very hard station in the State of Manipur and the applicant was continued to serve there till September 1993 i.e. about 3 years. Thereafter the applicant was transferred and posted to 30 Assam Rifles i.e. at Imphal in the month of September 1993 and in the present place of posting i.e. at Imphal the applicant has completed only 2 years 11 months till filing of this application.

6.4 That the Directorate General of Assam Rifles vide their Circular as regard transfer and posting guidelines issued under letter No. A/1-A/92-82/39 dated 29.8.92 wherein the changes is brought as regard tenure of transfer and posting in Unit locations after considering the representations/suggestions receipt from Range Headquarter/Units in the subject matter. As per the guidelines of transfer and posting classification of Unit ~~max~~ for tenure is also made by the Directorate General of the Assam Rifles. In Appendix A to the Circular dated 29.8.92 the 30 Assam Rifles has been classified as 'C' category and the tenure of posting is 4-5 years. In the bottom of the circular dated 29.8.92 a clear note is given whereby it is stated that it will be ensured that after a tenure in a type A unit individual will be posted to Type 'C' and then type 'B' before going back to type 'A'. It is further stated that it should be ensured

that persons are not posted back to the same type 'A' on Unit/Areas where similar condition are prevailing, where they have served earlier. In this connection it may be stated that the applicant has already served at 25 Assam Rifles at Utkhrul District of Manipur near Burma Border which is declared as 'A' type category in terms of the Circular dated 29.8.92 issued by the Directorate General of Assam Rifles and the applicant had served there almost 3 years. Thereafter only he was transferred and posted at 30 Assam Rifles which is declared as Category 'C' and where the tenure of posting is declared for 4-5 years as per circular dated 29.8.92. The applicant on completion of 4-5 years of service is entitled to be posted at Type 'B' category Units/Station. Be it stated that the applicant till filing of this application has been completed only 2 years and 11 months at the present Unit i.e. 30 Assam Rifles, Category 'C' Unit. Therefore he is entitled to complete the tenure of 4-5 years at 30 Assam Rifles at Manipur.

A copy of the Circular issued by the Directorate General of Assam Rifles dated 29.8.92 is annexed hereto and the same is marked as Annexure-2.

6.5 That your applicant on 4th ~~May~~ May 1996 submitted an application requesting his transfer/repatriation indicating option for transfer and posting on preference basis for 5 stations of the Office of the Central Government Health Services i.e. namely;

- i. CGHS - Guwahati/Patna
- ii. CGHS - Allahabad
- iii. CGHS - Kanpur/Calcutta

In the said applicant the applicant has also mentioned that he had served more than 10 years in difficult areas of North Eastern Region i.e. Nagaland, Manipur in the capacity of Medical Officer/Senior Medical Officer under the Assam Rifles. In the col. No. 7 of the application for transfer it is also indicated that the reason for seeking transfer due to prolong stay in Assam Rifles and also on the ground that he has completed the service of more than fixed tenure in North Eastern Region. This application was forwarded to Manipur Range, which was duly ~~forwarded~~ recommended by the Commandant, 30 Assam Rifles. Then the Deputy Director (Admn.) of Manipur Range forward the same to to the endorsement with the remarks of the DIG, Assam Rifles for necessary action addressed to Headquarter, IG, Assam Rifles (North) vide letter No. II.12020 (B)/A/96/453 dated 15.5.96 thereafter I.G. Assam Rifles again forwarded the application of the present applicant for transfer from Assam Rifles to Directorate General of Assam Rifles, Shillong vide letter No. I.120/5334 dated 24.5.96. The application for his transfer/repatriation to Central Health Services is also forwarded by the Office of the Directorate General, Assam Rifles addressed to the Under Secretary, Government of India, Ministry of Health and Family Welfare vide letter No. I.14015/289-87/SS-AR/ME (A) dated 8.7.96 and the same is now pending for consideration with the Ministry of Health and Family Welfare.

A copy of the application dated. 4.5.96, forwarding letters dated 15.5.96, 24.5.96, 8.7.96 are annexed hereto and the same are marked as Annexures 3, 4, 5 and 6 respectively.

6.6 Most surprisingly the Commandant 30 Assam Rifles in pursuance of the Directorate General of Assam Rifles Signal No. A-1589 dated 21.6.96 issued transfer and posting order under letter No 11012/A-21/96/317 dated 24.6.96 whereby the applicant is now sought to be transferred from 30 Assam Rifles, Imphal to 18 Assam Rifles i.e. Lunglei, Mizoram in total violation of the Directorate General of Assam Rifles transfer and posting guidelines issued under Circular dated 29.8.92. In this connection it may be stated that the applicant has completed only 2 years 11 months in the present place of posting i.e. at 30 Assam Rifles, Imphal whereas as per the Circular dated 29.8.92 the tenure of posting at 30 Assam Rifles is 4-5 years but the applicant is now transferred and posted violating the transfer and posting guidelines of the Directorate General, Assam Rifles only to accommodate Dr. N.I. Singh, Senior Medical Officer posted at 18 Assam Rifles i.e. Lunglei, Mizoram. Be it stated that Dr. N. Inoba Singh who is also under order of transfer from 18 Assam Rifles to 30 Assam Rifles in place of the present applicant is ~~highly~~ hailed from Imphal. Therefore to accommodate ~~ExxxNxNx~~ Dr. N.I. Singh, Sr. Medical Officer, the Directorate General of Assam Rifles has violated the transfer and posting guidelines issued under letter/circular dated 29.8.92. Therefore the transfer order is mala fide and the same is issued only to show undue advantage to Dr. N.I. Singh, Sr. Medical Officer whereas as per transfer and posting guidelines the applicant is entitled to serve in the present place of posting 4-5 years whereas he has completed only 2 years and 11 months in

the present place of posting. In this connection it may further be stated that there is no indication that the transfer and posting order issued due to administrative exigencies. The circular issued by the Directorate General of Assam Rifles issued on 29.8.92 as regards transfer and posting used to be followed very strictly whereas the Directorate General of Assam Rifles has made a departure in the instant case violating his own transfer and posting guidelines only to show favouritism to Dr. N.I. Singh, Senior Medical Officer. Therefore the transfer order is absolutely mala fide and the same is liable to be set aside and quashed.

A copy of the transfer and posting order dated 24.6.96 is annexed herewith and the same is marked as Annexure-7.

6.7 That the applicant begs to state that he is a member of the medical officers belongs to Central Health Services therefore as per the original appointment letter clause 10 of the appointment it is clearly stated that the applicant is liable to serve in Defence Service or post connected with the Defence of India only for a period of 4 years whereas the applicant after his appointment served Assam Rifles nearly 11 years therefore his is entitled to be posted as per his option in any of the office of the Central Government Health Services and he is not liable to serve any more under the Directorate General of Assam Rifles. The repatriation sought by the applicant vide his application dated 4.5.96 where he had clearly indicated that since he has served the North Eastern Region for a prolong 11 years he is entitled to

be posted/repatriated to any of the Office of the Central Health Services as per option indicated in the application dated 4.5.96. and the same was duly forwarded by the Directorate General of Assam Rifles, Shillong to the Ministry of Health and Family Welfare and the same is under consideration. In the circumstances when particularly there will be fixed tenure for 4-5 years in the present place of posting at 30 Assam Rifles therefore he is ~~entitled~~ not liable to be transferred and post to any other station till completion of his tenure and the transfer order dated 24.6.96 is illegal, arbitrary, whimsical, malafide and unfair.

6.8 That the Government of India, Ministry of Finance under Memorandum No. 20014/3/83-E.IV dated 14.12.83 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 service/tenure in the North Eastern Region and the officers 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 14.12.1983 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

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 as per his option submitted before the authority on 4.5.96 and the applicant has acquired a valuable and legal right by serving 11 years under the Directorate General of Assam Rifles. Since the applicant has opted for posting at 5 places therefore in the light of the O.M. dated 14.12.83 the applicant is entitled to be posted in any of the choice station since he has completed 3 years of tenure in the North Eastern Region in terms of the O.M. dated 14.12.83.

Copy of an extract of the O.M. dated 14.12.88 issued by the Ministry of Finance is annexed hereto and the same is marked as Annexure-8.

6.9 That your applicant begs to state that the wife of the applicant Smti. Leela Shah is a Heart Patient and is now suffering from Rheumatic Heart Disease with Mitral Regurgitation and she is now under medical treatment in the Regional Institute of Medical Sciences, Imphal. In this connection it may be stated that the proposed place of posting of the applicant at 18 Assam Rifles i.e. Lunglei, Mizoram is very far way from Imphal and there is no scope for her medical treatment. Therefore if the impugned order of transfer and posting of the applicant is allowed to be implemented in that event the wife of the applicant shall suffer irreparable loss and injury and on that ground ~~xxxxxx~~ alone the impugned transfer order daged 24.6.96 is liable to be set aside and quashed. In this connection it may be stated that the certificate issued in respect of Smt. Leela Shah as regards her medical treatment by the Associate Professor, Department of Medicine, RIMS, Imphal (Regional Institute of Medical Sciences) wherein it is advised to attend M.O.P.D. at RIMS regularly. Therefore it would not be possible on the part of the applicant's wife to attend regularly the RIMS, Imphal for medical check up/treatment ~~far~~ from 18 Assam Rifles, Lunglei if the impugned order is implemented at this stage.

A copy of the certificate issued by the Associate Professor, Deptt. of Mecicine, RIMS, Imphal is annexed herewith and the same is marked as Annexure-9.

6.10 That the applicant immediately on receipt of the impugned transfer order dated 24.6.96 submitted a detailed representation dated 27.6.96 addressed to the Directorate General of Assam Rifles, Shillong through proper channel wherein it was stated that as per the transfer guidelines the tenure of Sr. Medical Officer/Medical Officer at 30 Assam Rifles is 4-5 years and the applicant has completed not even 3 years at 30 Assam Rifles and it is further stated that his wife Mrs. Leela Shah is an old patient of Rheumatic Heart Disease with Mitral Regurgitation and she ~~is~~ is presently under the medical treatment of Regional Institute of Medical Sciences Imphal and under the facts and circumstances it was requested by the applicant to allow him to retain to the present place of posting at least for one year more. But surprisingly the applicant has received another letter bearing No.11012/A-121/96/1590 dated 13.8.96 whereby the applicant is requested to submit his clearance certificate of arrival Dr. Amit Sarkar, Medical Officer from leave to enable this unit to prepare the movement order to proceed to 18 Assam Rifles on transfer and posting as per fresh instruction received from Directorate General of Assam Rifles, Manipur Range. There is no indication that whether the representation submitted by the applicant is considered by the Directorate General of Assam Rifles, Shillong but it appears that the same has not been considered by the Directorate General of Assam Rifles, Shillong and hence the letter dated 13.8.96 issued by the Commandant 30 Assam Rifles. Since there is no indication of consideration

of the representation of the applicant dated 27.6.96 where the applicant had projected the transfer and posting guidelines as well as the medical treatment of his wife at the Regional Institute of Medical Sciences, Imphal. Therefore it is necessary that the Hon'ble Tribunal be pleased to interfere with a direction upon the respondents to reconsider the transfer and posting order of the applicant considering the ~~tenure~~ ~~posting~~ tenure for transfer and posting guidelines issued under Circular dated 29.8.92 and also to consider the grounds stated by the applicant as regard medical treatment of his wife since the applicant has carried out of all the transfers and posting orders in earlier cases and when the transfer and posting guidelines dated 29.8.92 permits the applicant to retain in the present place of posting for another one or 2 years there will be no difficulty on the part of the respondents to retain the applicant at 30 Assam Rifles, Imphal till completion of his tenure i.e. 4 to 5 years.

A copy of the order dt.13.8.96 is annexed herewith and the same is marked as Annexure-10.

6.11 That the applicant begs to state that there are more than 1000 of Drs are serving in the Central Government Health services under the Ministry of Health and Family Welfare. Therefore the applicant who has completed more than 10 years of service in Assam Rifles is liable for immediate repatriation in the Central Health Organisation and if necessary other Drs. serving in the Central Govt. Health Services may be deputed to Assam Rifles but the applicant is entitled to for immediate repatriation in

in view of his prolonged service in the North Eastern Region under Assam Rifles and in view of the Office Memorandum dated 14.12.1983.

6.12 That the applicant has got no other alternative remedy except approaching before this Hon'ble Tribunal for a direction to protect his rights and ~~privileges~~ interests therefore the Hon'ble Tribunal be pleased to direct the respondents to allow to continue him in the present place of posting at least for a period of one year more or till repatriation to the Central Government Health Services under Ministry of Health and Family Welfare.

6.13 That this application is made bonafide and for the cause of justice.

7. Reliefs Sought for :

Under the facts and circumstances stated in this application the applicant prays for the following reliefs :

1. That the impugned order of transfer and posting issued under letter No. 11012/A-21/96/317 dated 24.6.96 (Annexure-7) and letter No. 11012/A-121/96/1590 dated 13.8.96 (Annexure-10) in terms of Circular dated 29.8.92 (Annexure-2) be set aside and quashed.
2. That the respondent No. 1 be further directed to consider the posting of the applicant with immediate effect to his choice station in terms of his representation dated 4.5.96 also in terms of O.M. dated 14.12.1983.

3. That the respondents be directed to allow the applicant to continue in the present place of posting at least for a period of one year in terms of Circular dated 29.8.92 or till repatriation to Central Health Services under the Ministry of Health and Family Welfare.
4. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated above.

The above reliefs are prayed on the following amongst other-

-G R O U N D S-

1. For that the tenure posting of the applicant at 30 Assam Rifles at Imphal is 4-5 years in terms of the tenure and posting guidelines issued by the Directorate General Assam Rifles dated 29.8.92.
2. For that the applicant completed only 2 years 11 months till filing this application in the present place of posting in 30 Assam Rifles at Imphal.
3. For that the applicant has already completed more than 10 (ten) years of service under the Directorate General Assam Rifles post connected with Defence of India.
4. For that as per appointment letter clause No. x the applicant is liable to serve only for a period of 4 years to post connected with Defence of India.

5. For that the applicant has completed long back 3 years of tenure service in terms of Govt. of India's O.M. dated 14.12.83 and now entitled to be posted to his choice station in terms of his option dated 4.5.1996.
6. For that the applicant submitted his option for choice station posting indicating 5 stations of the Central Government Health Services Offices.
7. For that the applicant is due for repatriation to Central Health Services Organisation under the Ministry of Health and Family Welfare, Govt. of India.
8. For that the applicant has completed long back 3 years tenure posting in terms of the O.M. dated 14.12.83 and also completed 4 years tenure posting in terms of the clause x of the appointment letter therefore he is entitled to be posted to his choice station posting.
9. For that the applicant is entitled to be posted to 'B' category Unit in terms of tenure and posting guidelines issued by the Directorate General Assam Rifles vide Circular dated 29.8.92.
10. For that the present proposed place of posting under impugned transfer order dated 24.6.96 in 'A' Category Unit at 18 Assam Rifles, Lunglei Mizoram.

11. For that the authorities discriminated the present applicant by violating the transfer and posting policy and particularly by transferring the applicant to 'A' category Unit.
12. For that the impugned Order is issued to show undue favour to Dr. N.I.Singh Senior Medical Officer by transferring him from 18 Assam Rifles to 30 Assam Rifles i.e. at his hometown.
13. For that the wife of the present applicant is a Heart Patient and requires constant medical check up/treatment in the Regional Institute of Medical Sciences, Imphal.
14. For that the authorities have acted malafide by issuing the impugned transfer order dated 24.6.96.
15. For that there are more than 1000 (one thousand) Drs. are serving in the Central Government Health Services under the Ministry of Health and Family Welfare are also liable to be posted in the difficult areas of North Eastern Region.
16. For that the applicant already served the Hard Station at Ghaspani, Ukhru, i.e. in Nagaland and Manipur before his posting at 30 Assam Rifles in C category Unit. Therefore the applicant is entitled to be posted even if require in B category Unit.
17. For that the applicant's representation has not been considered by the authorities.
18. For that the posting order dated 13.8.96 issued to the applicant without application of mind.

8. Interim Reliefs prayed for :

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

1. That the respondents be directed not to release the applicant in pursuance of the impugned transfer and posting order dated 24.6.96.
2. That the impugned order of Transfer and posting issued under letter No. 11012/A-121/96/1590 dated 11012/A-21/96/317 dated 24.6.96 and the Posting Order No. 11012/A-121/96/1590 dated 13.8.96 be stayed till final disposal of the application.
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.	: 346804
Date of Issue	: 26.8.96
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.

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

I, Dr. Shib Shankar, Shah, son of late Ram Ratan Shah, aged about 36 years working as Sr. Medical Officer, 30 Assam Rifles, C/o 99 APO applicant in this application and after going through this application do hereby declare that the statement 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 26th day of August, 1996 at Guwahati.

DR SHIB SHANKER SHAH
Signature

REGISTERED

Annexure-1

No. A.12025/84 /87-CHS-I

Government of India
Ministry of Health & Family Welfare
(Department of Health)

New Delhi dated the 6 NOV 1987

MEMORANDUM

SUBJECT : Recruitment to the Medical Officers Grade of CHS.

On the recommendations of the U.P.S.C., the President is pleased to offer Dr. Shib Shankar Shah on appointment to the Medical Officers Grade of the Central Health Service and posts him/her as Medical Officer under the Assam Rifles, Shillong on the following terms and conditions :

I) The appointment is on an officiating basis only on probation for a period of two years from the date of appointment which may be extended at the discretion to the competent authority. He/She will be considered for confirmation in the Medical Officers Grade (Rs.2200-4000) in his/her turn after satisfactory completion of probation and on the availability of a permanent vacancy. The officer may be required to undergo such training as Govt. may prescribe. Failure to complete the period of probation to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason or reversion to substantive post on which the candidate may be retaining a lien. After the satisfactory completion of the period of probation, the termination will be by giving one month's notice on either side. The appointing authority, however reserves the right of termination his/her service forthwith or before the expiration of the stipulated period of notice by making payment to him/her for the unexpired period.

THE CANDIDATES SHOULD HAVE COMPLETED SATISFACTORILY THE COMPULSORY ROTATING INTERNSHIP BEFORE JOINING SERVICE IN CASE WHERE THIS HAS NOT BEEN COMPLETED, FULL DETAILS SHOULD BE FURNISHED FOR CONSIDERATION OF THE GOVERNMENT.

ii) The scale of pay of the post is Rs. 2200-75-2800-EB-100-4000. The initial pay of such candidate as are in Govt. service will be fixed at the minimum of the pay scale.

*A. H. Shinde
S. F. M. J.
Adm.*

iii) The Medical Officers in the General Duty Cadre with 5 years regular service in the grade will become eligible for promotion to Senior Scale in the Scale of Rs. 3000-100-3500-125-4500 and to higher Grades thereafter in accordance with CHS Rules, 1982, as amended from time to time.

iv) Non-practising allowance is admissible at the following rates: -

Pay range in the revised scale of pay	Rate of N.P.A. per month
Below Rs. 3000/-	- Rs. 600/-
Rs. 3000/- and above but below Rs. 3700/-	- Rs. 800/-
Rs. 3700/- and above	- Rs. 900/-

v) Dearness and other allowances will be admissible according to orders of the Central Government.

vi) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

vii) The Officer will be required to contribute compulsorily to the G.P. Fund in accordance with the rules in force from time to time.

viii) The appointment carries with it the liability to serve in any part of India or outside.

ix) The appointment is subject to his/her being declared medically fit by a duly constituted Medical Board. He/she been medically examined and found fit for Govt. service.

x) The officer, shall if so required, be liable to serve in Defence Services or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any, provided (a) The officer shall not be required to serve as aforesaid after the expiry of the ten years from the date of appointment (b) The shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

xi) A declaration in the enclosed form to the effect that the officer does not have more than one wife living or that having a spouse living, is not married in any case in which such marriage is void by reasons of its taking place during the life time of such spouse is not married to a person who is

*B. A. H. S.
B. S. M. T.
A. M. T.*

already having a wife living is or that she is not married in any case in which marriage is void by reasons of the husband having a wife living at the time of such marriage should be submitted. The declaration duly filled in may please be returned.

xii) On appointment, the officer will be required to take oath of allegiance to the Constitution of India or make a solemn affirmation to the effect in the prescribed proforma.

xiii) The officer is not entitled to any travelling allowances for joining the appointment.

xiv) The P.G. Allowance shall be paid at the rate of Rs. 100/- and Rs. 200/- per month for possessing P.G. Diploma and P.G. Degree qualifications respectively to the Medical Officers and Senior Medical Officers.

xv) Other terms and conditions will be governed by the relevant rules and orders that may be in force from time to time.

xvi) NO REQUEST FOR CHANGE IN THE PLACE OF POSTING WILL BE ENTERTAINED IN ANY CIRCUMSTANCES.

xvii) NO REQUEST FOR EXTENSION OF JOINING TIME FOR DOING POST GRADUATION OR CONTINUANCES OF POSTGRADUATION WILL BE ENTERTAINED IN ANY CIRCUMSTANCES. THE CANDIDATES WILL HAVE TO CHOOSE BETWEEN POSTGRADUATION OR JOINING THE CENTRAL HEALTH SERVICE.

2. If any declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt. may deem necessary.

3. The Ministry may please be informed within 15 days of the date of receipt of this Memorandum whether or not the offer of appointment on the above terms and conditions is acceptable to him/her and also return the declaration.

In case the offer is acceptable, he/she should report to the Director General, Assam Rifles, Shillong, for a posting/duty under intimation to this Ministry. If no reply is received and he/she does not report for duty within the stipulated period of 15 days, the offer of appointment will be treated as cancelled.

Attested by
B. R. Majumdar

4. The following certificate(s) (in original) together with a copy(ies) thereof must be furnished alongwith the acceptance of the offer of appointment :-

1. Compulsory Rotating Internship 2 MBBS Degree
3. SC/ST Certificate in the prescribed form the competent authority.

The appointment is subject to the result of Civil Appeal No. 3519 of 1984 in the Supreme Court of India. IN ALL FUTURE CORRESPONDENCE, the FILE NO. GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS KIND BE QUOTED.

His original MBBS degree received with his letter dated 28.9.87 is also returned herewith after verification in this Ministry.

Sd/- RAVI DATT

UNDER SECRETARY TO THE GOVT. OF INDIA

To

Dr. Shubh Shankar Shah,
Medical Officer,
16th Assam Rifles,
C/o 99 APO

No. A.12025/84/87-CHS.I

Copy forwarded for information and necessary action to :

1. The Secretary, U.P.S.C., New Delhi w.r. to their letter No. F. 1/93/86-RI, dated 23rd April, 1987.
2. Director General, Assam Rifles, Shillong.
 - a) A report may kindly be sent to this Ministry within 15 days of the expiry of the last date whether or not the candidate has reported for duty. If the candidate has reported for duty, his/her charge assumption report (in triplicate) may please be sent to this Ministry.
 - b) Assessment reports in respect of the officer in the prescribed form (in duplicate) every year for a period of two years should please be sent to the Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
3. Copy for pay and Accounts Officer.
- 4.

Sd/- LALSINGH
Section Officer

*Attached by
S. Lalsingh
Section Officer*

C.T.C.

No. Tele PABX 27510/5551

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793001

A/1-A/92-82/39

Sist ABCDE&F

29 Aug 92

ANNUAL POSTING/TURNOVER: MINISTERIAL/MEDICAL/TEACHING
STAFF OF FORMATIONS AND UNITS OF ASSAM RIFLES

*1. Further to this Directorate letter A/1-A/92-82/01 dated 10 March 92.

2. Recent changes in unit locations and representation/ suggestions received from Range HQ/units on the subject matter have necessitated changes to suit the requirement of various headquarters.

3. Keeping the above in view, the following modifications may please be incorporated to this directorate letter quoted ibid.

(a) Classification of units be modified as per Appx 'A'
(b) Tenure of ministerial staff, medical staff (Civilian) and Teachers (Civilian) to be modified as per Appx 'B'

4. Please ack.

Sd/-
M Devendra Singh
Major
Offg Assistant Director (A)

*Attested by
B. Singh
Hr. Secy*

C.T.C.

Annexure-2 (Contd.)

Appx-'A'

Ref to DGAR letter No. A/1-A/92-82/39
dt. 29 Aug 92

CLASSIFICATION OF UNITS FOR TENURE

Type 'A' (3 Years Tenure)

2 Assam Rifles
4 Assam Rifles
14 Assam Rifles
15 Assam Rifles
17 Assam Rifles
18 Assam Rifles
19 Assam Rifles
20 Assam Rifles
23 Assam Rifles (Till reversion to Permanent location)
25 Assam Rifles "
27 Assam Rifles
31 Assam Rifles
HQ 'B' Range Assam Rifles

Type 'B' (3 1/2 yrs tenure)

01 Assam Rifles
03 Assam Rifles
06 Assam Rifles
07 Assam Rifles
09 Assam Rifles
11 Assam Rifles
21 Assam Rifles
22 Assam Rifles

Type 'C' (4 to 5 yrs)

05 Assam Rifles
08 Assam Rifles
10 Assam Rifles
12 Assam Rifles
13 Assam Rifles
16 Assam Rifles
24 Assam Rifles
26 Assam Rifles
28 Assam Rifles
29 Assam Rifles
30 Assam Rifles /
HQ IGAR (North)
HQ DGAR

Appx-2
B. Form
P.M.C.

Annexure-2 (Contd.)

HQ Manipur Range Assam Rifles
HQ MP Range Assam Rifles
HQ A.C. Range Assam Rifles
HQ NLR (N) Assam Rifles
HQ NLR (S) Assam Rifles
HQ 'A' Range Assam Rifles
HQ ARTC
All MGARS
All Wksps
ARSU
AMTO
No. 1 CC Assam Rifles
ROAR
LOAR All Dental Unit AR Hosp
No 1 Mait t Det

Note :- It will be ensured that after a tenure in a Type A unit indvl will be posted to type C units and then Type B before going back to type A. It will however be ensured that pers are not posted back to the same type A units on areas where similar conditions are prevailing where they have served earlier.

Attested by
B. J. M. S.
Adarsh

PERFORMA FOR REQUEST FOR TRANSFER

1. Name : DR SHIB SHANKER SHAH
2. Employee code No. : 002385
3. Designation : Senior Medical Officer
4. Date of joining CMS : 03 Dec 1987 (Permanent)
21 Sep 1985 (Adhoc)
5. Date of joining the Organisation from where transfer is sought : 21 Sept 1985
6. Detailed of period of service rendered in other organisation including difficult areas like ASSAM RIFLES, ARUNACHAL PRADESH, ANDAMAN & NICOBAR ISLAND/ DADAR NAGAR HAVELI, NORTH EASTERN REGION, LAKSHDWEEP ISLANDS etc. Served more than 10 (ten) years in difficult areas of North Eastern Region, i.e. Nagaland, Manipur in the capacity of MO/SMO under THE ASSM RIFLES.
7. Reasons for seeking transfer (in brief) :
 - (i) Prolonged stay in Assam Rifles.
 - (ii) Completion of service of more than fixed tenure in North Eastern Region.
8. Stations/Organisation: (i) where transfer is desired (in order of preference) (ii) CGHS, Guwahati/Patna (iii) CGHS, Allahabad (iii) CGHS, Kanpur/Calcutta

Dated 04.05.96

Sd/- Illigible

(Signature of the applicant)

FOR USE IN THE OFFICE OF THE HEAD OF DEPARTMENT/ OFFICE WHERE THE OFFICER IS POSTED.

1. The officer can be relieved : with/without a substitute in the event of his transfer
2. Certified that the information given in cols 1 to 4 had been verified from records.

Dated :

(Signature of Head of Office/Dept)

Attested by
B. R. Roy
Adm. Officer

/COPY/

Headquarters
Manipur Range Assam Rifles
C/o 99 APO

II.12020 (b)/A/96/453 15 May 96

Headquarters
IG Assam Rifles (North)
C/o 99 APO

APPLICATION FOR TRANSFER FROM ASSAM RIFLES

1. An application for transfer from Assam Rifles in respect of Dr. SS Shah, SMO (CHS) of 30 Assam Rifles is fwd herewith in triplicate duly endorsed with the remarks of the DIG Assam Rifles for your necessary action please.

Sd/- xx xx xx

(DS Manhas)
Comdt (SG)
DD (Adm)

for DIG Assam Rifles

A Handed by
B Rangji
Adm

Annexure-5

Headquarters
Inspector General
Assam Rifles (North)
C/o 99 APO

I.120/5334

25 May '96

Mahanir deshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793001

APPLICATION FOR TRANSFER FROM ASSAM RIFLES:

Application for transfer from Assam Rifles in respect of Dr. SS Shah SMO (CHS) of 30 Assam Rifles is submitted herewith in duplicate duly recommended by IG Assam Rifles for your further necessary action please.

Enclo 4 sheets

Sd/- Illegible

for IG Assam Rifles

Copy to :

Headquarters

Manipur Range Assam Rifles - for further necessary action.
C/o 99 APO

A flood by
S. for
Admire

Annexure-6

REGISTERED

Tele No. PABX 230222
Extn 5550

Mahanir deshalaya Assam Rifles
Directorate General Assam Firles
Shillong-793011

I. 14015/289-87/SS-16AR/ME (A)

08 July 96

The Under Secretary to the
Govt. of India
Ministry of Health & Family Welfare
(CHS-I)
New Delhi-11

REVERSION TO CHS DR SHAH, SMO (CHS).

Sir,

1. I am directed to forward herewith an application seeking reversion to CHS in respect of Dr. SS Shah, SMO for taking necessary action by the Ministry.
2. It is requested that a suitable relief of the officer may be posted to this Department in case the request of the officer is acceded as this organisation is in acute shortage of medical officer. In case the reliever is not posted, this organisation is not in a position to release the officer.

Sd/- Illegible

Enclo : 2 (Two)

(G.P.S. Bedi)

Col

DD (Adm)

for DGAR

Copy to :

1. MS Branch - for info
2. 30 Assam Rifles C/o 99 APO
3. HQ IGAR (North)
Assam Rifles
C/o 99 APO - for info with ref to their letter
No. I.120/5334/A dt 24 May 96

*Attested by
S. Ranjana
Admst*

Annexure-7

C.T.C.

11012/A-21/96/317

Dated 24 Jun 96

A BRANACH

INTER UNIT POSTING CIV MED OFFRS

1. Inter unit posting in r/o following medical offrs have been ordered vide DGAR sig No. A-1589 dated 21 Jun 96.
 - a) Dr. N. Inoba Singh SMO - 18 AR to 30 AR
 - b) Dr. S S Shah, SMO - 30 AR to 18 AR
2. Mov will be carried out without relief and completion report will be submitted to DGAR by this unit by 15 Jul 96.
3. Please instr Dr. S S Shah, SMO to submit his clearance cert to this branch hy 10 Jul 96.

Sd/- xx xx xx
(S K Singh)
Capt
Adjt
for Commandant

Fwd to :

Medical Section

Copy to :

Fin Branch

*Attn: Dr. Singh
Attn: Adjt*

C.T.C.

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 President is now pleased to decide as follows :

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 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 ~~xxx~~ of service mentioned above, may be considered for posting to a

A/Recd by
R. S. M. J.
Advert

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.

A Handwritten Note of
Shri Shubh Shanker Shah

Department of Medicine
Regional Institute of Medical Sciences
Imphal

Imphal, the 27th June, 1996

This is to certify that Mrs. Leela Shah aged 31 years W/o Dr. S.S. Shah resident of 30 Assam Rifles, Imphal is under my treatment in R.I.M.S. Hospital M.O.P.D. (Hospital No. 21049) since 2.5.95. She is suffering from Rheumatic Heart Disease with Mitral Regurgitation with Normal Sinus Rhythm and she is advised to attend M.O.P.D., R.I.M.S. regularly.

Sd/- Dr. Th. Premchand Singh
Associate Professor,
Department of Medicine, RIMS
Imphal

Attested by
Dr. Premchand Singh

Annexure-10

30 Assam Rifles
C/o 99 APO

11012/A-121/96/1590 13 Aug 96

Dr S S Shah, SMO
30 Assam Rifles

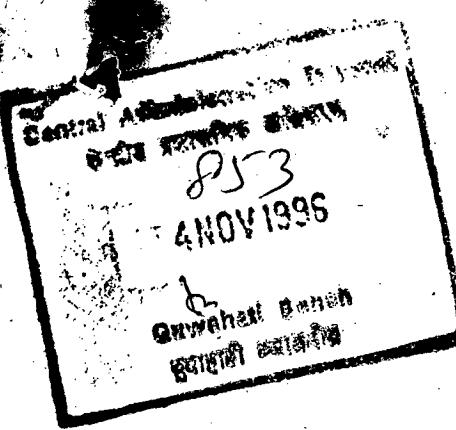
POSTING

You are requested to submit your Clearance
Certificate imdtly on arr Dr. Amit Sarkar, MO From
Leave to enable this unit to prepare your movement order
to proceed to 18 AR on permanent posting as per fresh
instr received from DGAR/MP Range.

Sd/- xx xx xx

(S. K. SINGH)
Capt
Adjt

for Comdt



37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:GUWAHATI.

O. A. No. 179 of 1996.

Dr. S. S. Shah

- Versus -

Union of India & others.

- AND -

IN THE MATTER OF:

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

(WRITTEN STATEMENTS)

The humble Respondents beg to
submit their Written Statements
as follows :

- 1) That with regard to the statements made in paragraphs 1, 2, 3, 4 & 5 of the application the Respondents have no comments.
- 2) That with regards to the statements made in paragraph 6.1 of the application the Respondents beg to state that they have no comments.

(Contd.)

Central Administrative Tribunal
Guwahati Bench
Case No. 853
4 NOV 1996

- 2 -

3) That with regards to the statements made in paragraph 6.2 of the application the Respondents beg to state that, the applicant was appointed on adhoc appointment on 21 September, 1995. As regards the statement of the applicant that he qualified in the competitive examination prior to his appointment, the applicant be put to strict proof thereof. As regards the statement of the applicant that Organisation of Directorate General Assam Rifles is connected with the Defence of India, this defendant states that even if statement is accepted as true, being a civilian Officer para 10 of the Memorandum dated 6-11-87 is not applicable to the applicant, in view of what have been stated in reply to para 5 and 6.7 of the application. It is denied that Ghaspani of Nagaland is a very interior place in the state of Nagaland, in view of the fact that many places are far more backward in Nagaland.

4) That with regard to the statements made in para 6.3 of the application the Respondents beg to state that, the applicant has suppressed the material facts before the Hon'ble Tribunal. It is pertinent to bring out here that vide Directorate General Assam Rifles signal No.A 3457 dated 08 June'90 the applicant was posted from 16 Assam Rifles to 17 Assam Rifles. The applicant vide his application dated 15 June '90 (Annexed as Annexure-'A') represented against the posting order on the ground of sickness of his wife. The representation was duly considered and accordingly the applicant was transferred instead to 25 Assam Rifles on his request.

(Contd.)

Again in 1993, the applicant vide his application dated 10 June '93 (Annexed as Annexure-'B') requested for his choice posting on compassionate grounds to 30 Assam Rifles. The request was again acceded to and vide signal No. A 3442 dated 04 Aug '93, the applicant was posted to 30 Assam Rifles. It is thus apparent that Assam Rifles has been going out of the way in assisting the applicant in the matter of postings as per his request and choice.

5) That with regard to the statements made in paragraph 6.4 of the application the Respondents beg to state that the applicant with an ulterior motive has misrepresented the true facts and fraudulently referred to letter No. A/1-A/92-82/39 dated 29(26) Aug '92 (attached as Annexure-2 to the application), which is not applicable in the case of the applicant. It is submitted that the said circular governs the posting/tenure of various 'Staff' and not Officers. The applicant being a Medical Officer is governed by SOP on 'M/s 'Medical Officer of Assam Rifles' forwarded vide Directorate General Assam Rifles Letter No. I. 14015/SOP-MO/89-NE(A) dated 12 Oct '89 (Annexed as Annexure-'C'), vide para 4 (ii) of subject SOP the tenure of posting of within Assam Rifles has been fixed for a period of 3 years. It is pertinent to mention here that having been posted to 30 Assam Rifles on compassionate grounds in accordance with the representation dated 10 June '93 submitted by applicant (Annexure-'B'), the applicant was liable to be posted out immediately on expiry of tenure of 2 years in accordance with para 4 (iii) of above referred SOP. Having

availed 2 tenures of choice posting and having stayed for about 3 years instead of, for 2 years on compassionate posting with 30 Assam Rifles the applicant is taking the administration for a ride and chosen to ~~s~~ rush to the Hon'ble Tribunal ~~ad~~ abusing the process of law .

6) That with regard to the statements made in paragraph 6.5 of the application the respondents beg to state that, they have no comments the same being matters of record.

7) That with regard to the statements made in paragraph 6.6 of the application the Respondents deny that the Circular dated 29(26)-8-93 is applicable in the case of the applicant. The applicant has been posted in accordance with SOP forwarded vide letter No. I. 14015/SOP-MO/89-NE(A) dated 12 Oct'89 (Annexed as Annexure-'C') . It is denied that the applicant has been posted out in order to show undue advantage to Dr. N.I. Singh who hails from Imphal or the transfer order is malafide. It is submitted that Assam Rifles is fair and impartial to all Medical Officers. The applicant cannot claim choice posting on each occasion denying the similar opportunity to other Medical Officer. Dr. N.I Singh vide his application dated 14-3-96 requested posting to 24 Assam Rifles or 30 Assam Rifles on extreme compassionate Medical ground on account of his own and his mother's sickness. A copy of said application is (attached as Annexure-'B') . The statement of the applicant that circular dated 29(26)-8-92 used to be followed strictly where-as the Directorate General Assam Rifles has

made departure in the instant case to favour Dr. N.I. Singh and that the transfer order is absolutely malafide is false, concocted, ill conceived, motivated and without any basis as the posting of the applicant is governed by SOP forwarded vide letter dated 12-10-89 (attached as Annexure-'C') and not in terms of circular dated 29(26)-8-92, (Annexure- 2) .

8) That with regard to the statements made in paragraph 6.7 of the application the Respondents beg to state that , by serving with Assam Rifles which is a Central Police Organisation under Ministry of Home Affairs. the applicant cannot claim applicability of clause -X of Government of India Memorandum dated 6-11-87 (Annexure- '1' of application) the said clause makes provision for service in Defence services that is, as a combatant. It is also apparent by the wordings/ contents of the said clause. It caters for service in Defence service for a minimum period, 4 years including the period spent on training. Obviously the word training denotes training as combatant (Soldier). The applicant is a civilian and has neither undergone any such training, nor is serving in Defence service for Defence of India. It is the obvious rigour of such training, that vide clause-X no such medical officer can be detailed to undergo such training and thereafter serve in Defence service after 10 years of service. In any case if the service with Assam Rifles was to be considered as Defence service the appointment letter of the applicant (Annexure-I) would have had a specific provision for such service. The words 'The Officer,' shall if so required, be liable to serve' contained in clause-X denote that

the said clause is a general clause applicable to each and every Medical Officer joining Central Health Service and 'if so required' will be liable to serve in Defence services. Assuming that the said clause-X is applicable to the applicant, it is denied that he is liable to serve only for 4 years in view of the fact that the said clause gives out liability to serve in Defence Services for a period of not less than 4 years including the period spent on training denoting thereby only the minimum period of such service. The applicant is aged about only 36 years and as per para (b) of clause-X is liable to serve till the age of 45 years. It is denied that tenure of the applicant at 30 Assam Rifles is for 4 to 5 years and he is not liable to ^{be} posted any other station till then and that the transfer order dated 24-6-96 is illegal arbitrary, whimsical, malafide and unfair. In fact, in accordance ~~with~~ with Annexure-'C' governing the transfer of the applicant, the applicant having been posted on compassionate posting could have been posted after only 2 years at 30 Assam Rifles. In any case, if the interpretation of clause-X of applicant is to be accepted, he ought to have sought reversion after expiry of 4 years. It is pertinent to mention here that the service conditions of the applicant are strictly governed by the conditions as contained in his appointment letter dated 06-11-87 (Annexure-I). Clause-1 (viii) of the subject letter reads 'The appointment carries with it the liability to serve with in any part of India or out side.'

(Contd.)

Clause-1(xvi)' No request for change in the place of posting will be entertained in any circumstances'. The applicant having accepted the offer of appointment as Medical Officer in terms of para 3 of appointment letter (Annexure-1) has given his concurrence to all the conditions contained in the appointment letter and now cannot back out.

9) That with regard to the statements made in paragraph 6.8 of the application the Respondents beg to state that, as brought out above in reply to para 6.3 of the application the applicant has been twice earlier posted as per his choice. Even now his application for reversion from Assam Rifles dated 4.5.96 has so been despatched to Ministry of Health and Family Welfare, Govt of India. Whereas in accordance with instructions dated 12.10.89(Annexure-'C') governing the posting of the applicant, he was liable to be posted out from present place of posting after a period of 2 years, he has been allowed to stay for about 3 years. It will be highly unjustified to allow the applicant to continue to stay at 30 Assam Rifles against the rules and in any case which is unfair to his colleague Dr. N.I. Singh who has been posted on compassionate grounds in his place. As regards applicability of Govt of India, Ministry of Finance memorandum No. 200014/3/83-E, IV dated 14.12.83 and his reversion from Assam Rifles in accordance with his application dated 4.5.96(Annexure-3), the applicant will be released from Assam Rifles on relief as Assam Rifles is already short of Doctors.

(Contd.)

10) That with regard to the statements made in paragraph 6.9 of the application the Respondents beg to state that, on both the previous occasions the applicant applied for choice posting on the sickness of his wife. The applicant cannot claim choice posting every time as a matter of routine and as a right at the cost of others and in violation of laid down rules specially so, when one of his colleague Dr. N.I. Singh is also required to be posted on compassionate medical grounds on account of his own and his mother's sickness. The applicant has suppressed material facts from the Hon'ble Tribunal that on both previous occasions he had applied for compassionate posting on account of sickness of his wife which was duly granted.

11) That, with regard to the statements made in para 6.10 of the application the Respondents beg to reiterate, what have been stated above in reply to para 6.9 of the application. The statement of the applicant that it appears that the representation dated 27.6.96 has not been considered by Directorate General Assam Rifles is denied. It is so evident from the statement of the applicant dt 25 Sep,96, wherein he has stated that he had been informed on 12 Aug,96 about the fact that his representation dt 27.6.96 was considered by the DGAR and rejected(Annexed as Annexure E). The applicant falsely stated that he has carried out all the transfer and posting orders in earlier cases, in view of what have been states in reply to para 6.3 of the application and his representations dated 15 June,90 and 10 June,93 (Annexure-'A' & 'B') respectively.

(contd).

12) That with regard to the statements made in paragraph 6.11 of the application the Respondents beg to state that, what have been made reply to para 6.7 and 6.8 of the application the Respondents have nothing to add.

13) That, with regard to the statements made in paragraphs 6.12 & 7 6.13 of the application the Respondents beg to state that, the applicant has suppressed the material fact of the case and has not approached the Hon'ble Tribunal with clean hands . It is denied that the application has been made boynafide and for the ends of justice. The applicant is not entitle any relief .

14) That with regard to the statements made in para 7 of the application regarding the relief sought for the Respondents beg to state that the applicant ~~is~~ not entitled to ~~any~~ ^{any} one of the relief sought for and as such, the application is liable to be dismissed. That the Respondants further beg to submit that the transfer order is made for administrative convenience and for public interest and as such, there is nothing to be interfered with by the Hon'ble Tribunal .

15) That with regard to the statements made in the grounds of the application the Respondents beg to state that, none of the grounds ~~is~~ are ~~maintainable~~ ~~not applicable~~ in law as well as in fact and as such, the application is ~~not applicable~~ are liable to be dismissed.

(Contd.)

16) That, with regard to the statements made in paragraph 8 regarding interim relief as ~~prayed~~ by the applicant, the Respondents beg to state that in view of the facts and circumstances narrated above the applicant is not entitled to interim relief and as such, the application is liable to be dismissed.

17) That with regard to the statements made in paragraphs 9,10,11 & 12 of the application the Respondents have no comments. The Respondents beg to submit that, the application is devoid of merit and as such, the application is liable to be dismissed.

VERIFICATION

I, Sri Arun Kainthla Major, JAD (Legal) in the Office of the Director General Assam Rifles, Shillong, do hereby solemnly declared that ^{I am} ~~9 am~~ competent to verify the Written Statements and as such it is solemnly declared that the statements made ~~is~~ above in the Written statements are true to my knowledge, belief and information and I sign this verification today on 24th day of ^{October} ~~September~~, 1996 at Shillong.

^{10th}
Declarant.

11
ANNEXURE - (A)

24

3

50

From

Mr S S Shah
Medical Officer (CHS)
16 Assam Rifles
C/O 99 APG

To

Director General Assam Rifles
Shillong - 793011

Subject :- POSTING NO. 17

(Through proper channel)

Sir,

1. Reference your sig no. 3157 dated 08 Jun 90.
2. In this regard, with due respect I want to lay down the following few points for your information and kind consideration. My wife is an old case of ISCHAEMIC HEART DISEASE and now she is suffering from GENERAL REGURGITATION. Therefore, she will not be able to stay with me in high altitude area.
3. In view of the above you are requested to kindly post me to any other Assam Rifles Battalion which is not in high altitude area preferably in Manipur and Nagaland.

Thanking you,

15

Yours faithfully,

Station : Field
Dated : 15 Jun 90

S. S. Shah
(Mr S S Shah)
TO (CHS)

Recommendation of the Commandant

RECOMMENDED

Mr. S. S. Shah
16 Assam Rifles

17/3

DAI
17/3



12
Dr S S Shah
SMO(CHS)
Pers/SSS/93/001

25th BN THE ASSAM RIFLES
C/o 99 A P O

16 Jun 93

POSTING ON COMPASSIONATE GROUND

My Dear Sir,

1. My all the best complement and good wishes to you. Hope this letter finds you in a state of good health.
2. I am writing this letter to you with one request. That Sir, I joined 16 Assam Rifles on 21 Sep '85 and presently I am serving in 25 Assam Rifles wef 14 Dec '90.
3. My wife Mrs Leela Shah is an old case of RHU Nitral Regurgitation and presently she is under Specialist's treatment.
4. In 25 Assam Rifles I have completed 2 years and six months and it is my humble request to you to post me in any one of the following places i.e 24 Assam Rifles, 30 Assam Rifles, ARTC, so that my wife can get proper medical care. Presently the weather of Shangshak is not suiting to my wife. For this kind of act I shall ever remain grateful to you sir, (Medical Certificate attached).

An early action is requested.
With every regard.

Yours sincerely

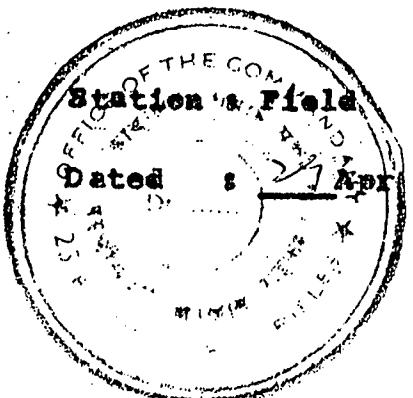
Maj Prabhakar Kumar
JAD (Medical)
HQ DGAR
Shillong-793011

44 13

W 2

MEDICAL CERTIFICATE

This is to Certify that Mrs Leela Shah, aged 28 years, Wife of Dr S S Shah, SMO (CHS) of 25 Assam Rifles is an "OLD CASE OF RHEUMATIC HEART DISEASE WITH MITRAL REGURGITATION and she is presently under Specialist's treatment.



Leela Shah

(K K Raheja)
Lt Col/AMC

Additional Information
00 00000 00000

Tele No : PABX 23510/233

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

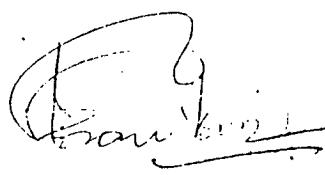
I.14015/SOP-MO/69/ME(A)

12 Oct '69

List 'A', 'B', 'E' & 'D'

SOP - MEDICAL OFFICERS

SOP on service matters in respect of medical officers
(CHS/Adhoc) is forwarded herewith for your guidance.



(B Chaudhuri)
CGO
for AD (A)

Copy to :-

Internal

Med branch

Estt branch

MEDICAL OFFICERS ASSAM RIFLES

SOP

1. Introduction

Cadre of Medical Officer in Assam Rifles belongs to the CHS cadre of service. The CHS under the Min of Health and Family Welfare controls the cadre and is liable to provide Medical Officer in the Force. Against the authorisation of 290 MOS under the CHS cadre only 60 Numbers of MOS are posted to this Force including 2 CMO and 15 SMO. In addition 23 doctors on adhoc basis and one CAS (I) are available. This evidently shows the magnitude of deficiency of MOS in the Force which is required to be s. ured by all concerned.

2. Aim

Aim of this SOP is to streamline various service conditions of the Drs of CHS so far as it concern Assam Rifles. This SOP to be taken as a guiding principle in respect of Drs in the Force.

3. Type of Doctors held in Assam Rifles as under

- (a) CHS
- (b) AMC
- (c) Adhoc
- (d) CAS (I)

4. Posting Policy

(i) Hard or soft area - There is no hard or soft area of posting in Assam Rifles. However, there may be some better areas than others. Therefore, it will be ensured as far as possible that doctors get even opportunity to serve in better areas also if they happen to serve for more than one tenure with the Force.

(ii) Tenure - Normal tenure of NO under regular CHS cadre is for a minimum period of 3 years in the Force. On expiry of above period of 3 years service one is eligible for posting out subject to para 8 of this SOP. Normal tenure for internal posting within units will also be for a minimum period of 3 years.

(iii) Compassionate posting - CHS or Adhoc doctors posted to Assam Rifles belonging to North-Eastern region often ask for compassionate posting to Lumding, Nagaland, Jairampur, Jorhat, Lokhra, Silchar, Agartala. But, firstly there are no authorised post of doctors in all these places, viz, Jorhat or Silchar. Secondly, most of the grounds projected for posting are of very common nature like, old and ill parents, no-body to look after, parental property and so on and so forth. Due to limited areas of choice, it is not always possible to accommodate everybody's request. Further, to accommodate

-1-

one doctor on compassionate ground, a number of others in the chain are to be disturbed. However, as far as possible depending on the merit of the case, effort will be made to accommodate such cases.

The tenure on compassionate posting will be for 2 years only. No representation beyond this will be accepted.

5. Inter-se-seniority between CHS doctor and AMC doctors.

There is a doubt with regard to the determination of Inter-se-seniority between AMC doctors and CHS doctors. It may be noted that each Assam Rifles Bn is authorised one AMC doctor in the rank of Major. Some units are, however, holding AMC Capt in place of AMC Major. Inter-se-seniority between AMC Capt and SMO in the CHS cadre was decided by the MHA which was circulated under our circular No. Med/II-M/9-78/TE(A) dated 02 Apr 83. It shows that SMOs are senior to AMC Capt. Whereas CMO shall be senior to AMC Major in all cases.

6. Channel of correspondence/Redress of Grievances

It has come to notice that CHS doctors are often resorted to direct correspondence with the Min. of Health and Family Welfare skipping over the authority of D.G.R. This is contrary to the procedure of official correspondence. The CHS doctors can submit representations/application addressed to the appropriate authority but such applications, representations have to be routed through proper channel which includes legal authority, intermediary authority and the Head of Department. Any correspondence violating the above mentioned norm will be viewed seriously.

As regards any grievances other than posting out, service seniority, fixation of pay and alike, representation for redress should be addressed to D.G.R. Representations on service matters etc., as mentioned above may be addressed to the CHS but submitted through proper channel.

7. ACR in respect of CHS doctors

The reporting period of ACR will be financial year i.e., Apr to Mar and not calendar year i.e., Jan to Dec as per Min. order circulated vide Dte letter No. 4/1-4/239-83, 225 dated 11 Mar 87. The reporting officer will be the SC/Unit and reviewing officer being the DIG Range HQ concerned and DD M.C. will endorse remarks as a first technical officer (FTO). In respect of the Units under direct control of D.G.R i.e., 17 Assam Rifles, 31 Assam Rifles etc., the reviewing officer shall be Dir (Adm).

17

53

56

-3-

8. Release from Assam Rifles

The transfer out of the doctor without relief under the circumstances make the situation worse. It has, therefore, been decided in the interest of public service that no CHS doctor under posting out will be released if necessary relief is not physically provided. This has been done for the broader interest of the serving personnel, their families etc. It is expected to be understood in its true perspective rather being critical against.

(J S Bhillam)

Lt Col
Assistant Director (A)

rg/-

From: Dr. NINGTHOUJAM INAOBA SINGH, MO (CHS)
 Rear 18 Assam Rifles
 C/O. 99 A P.O.

To

The Directorate General
 Assam Rifles,
 Shillong - 11.

(Through proper channel.)

Subject: Transfer to a suitable Plain area or Home posting on extreme compassionate Medical Grounds.

Respected Sir,

I, the undersigned, have the honour to lay the following few words for your kind consideration and favourable actions that please :-

- (a) I was appointed vide Ministry of Health and Family Welfare letter No. A.12025/86/92-CHS-I dated 22 Jan. 93 and I reported to this loc on 08 Mar. 93. Since then I have been serving in this unit including J&K and remote farward posts.
- (b) Unfortunately, I have developed some respiratory difficulties and allergy for the last two years which is diagnosed as Allergic Rhinitis with Bronchial Asthma.
- (c) The climatic conditions of this particular location is that most of the time it remains foggy and raining which were the likely cause of my ailment as the problem is always exaggerated here.
- (d) I have undergone certain investigations and taken treatment from Senior consultants which only gives temporary relief.
- (e) Since it becomes a chronic ailment, certain complications, like emphysema and affect to the heart, are inevitable and now, I am virtually dependent on drugs for symptomatic relief.
- (f) Unfortunately again my aged mother a chronic patient of diabetes mellitus, is to undergo a major gynaecological operation (Total abdominal Hysterectomy) after controlling her diabetes which requires constant medical supervision.
- (g) As my two other brothers, settled & separate families are not possible to look after the deteriorating health of my mother, there is no one to take the burden except my sister who is a student of marriageable age. So my presence and care of my ailing mother is the need of the hour.

Contd.. P/2.

-2-

(h) Moreover situations and medical facilities available here are not conducive for her to stay with me.

(i) I would like to go for proper investigations and treatment for myself as well as for my mother as soon as possible which is not possible at this present remote posting place.

(j) Because of the physical and psychological disability, nowadays, I am unable to contribute my full capability in the profession and often I go to severe depressions which is the most dangerous complication.

2. So, considering all these points, cited above, I humbly request you to transfer me, in a climatically suitable area where medical facilities for proper investigations are available, preferably to 24 AR and 30 AR in Imphal before it is too late to correct the impending complications.

3. I would be ever grateful to you sir, if you kindly consider my genuine case on extreme compassionate grounds and do the needful favourably.

4. Medical documents enclosed.

5. Thanking you Sir,

Yours faithfully,

N. Naobash

(Dr. N. I. Singh)
MO (CHS)

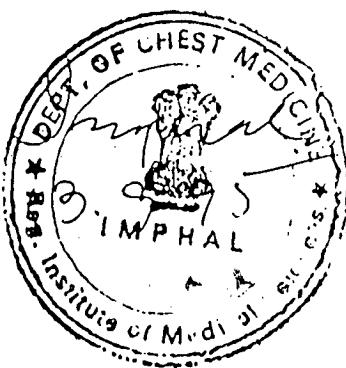
14th March 1996
Dated : Oct. 1995.

To whom it may concern:

Hospital No. 55166.

This is to certify that
Shri N. Inaok Singh 30 TRS of
Lajikyengam Leikai, Imphal, is a
case of allergic rhinitis & asthma
and has been taking treatment
from Dr. C.P.D., R.I.M.S., Imphal.

He is advised to avoid
damp and foggy climate
for his health.



Subash
 (Dr. V. T. C. M. B.)
 Associate Professor (M.G.H.)
 Deptt. of Chest Medicine
 Regional Institute of Medical
 Sciences, Imphal, Manipur.

23

86
21

GENERAL MEDICAL CLINIC

Irabot Road, Imphal - 795 001

Phone : 330079

Ref. No.

Date.....

Name _____

Visiting Mrs.

Age _____ Sex _____

Week days : 8 a.m. to 8 p.m.
Sunday : 8 a.m. to 12 noon
Holiday : 8 a.m. to 12 noon

Address _____

TO WHOM IT MAY CONCERN

This is to certify that Dr. N.I. Singh of Lairik
Yenbam Leikai, Imphal was examined by me and found to
be suffering from chronic asthma with allergic rhinitis.
He is taking medicines under my advice for the last two
weeks. He is advised to avoid exposure to cold, damp and
foamy climate.

He is not related to me.

Date 19-09-95

Dr. B.S. Sora
Medical Officer
General Medical Clinic
Irabot Road, Imphal 795 001

Please do not forget to bring it in the next visit for easy reference.
Report due on : Please do not substitute the Prescription,
Time : Specialist available by appointment only.

24

60

35

33

DEPARTMENT OF MEDICINE
REGIONAL INSTITUTE OF MEDICAL SCIENCES
LAMPHEL 795004

" TO WHOM IT MAY CONCERN "

This is to certify that Dr. N. Inaoba Singh aged 31 yrs resident of Lairak Yengham Leikai, Imphal is under my treatment in RIMS Hospital NOPD (Hospital No. 54753) He is suffering from Bronchial Asthma specially on exposure to cold atmosphere. He is advised to avoid cold exposure as far as practicable.




1219
(Dr. Th. Premchand Singh)
Associate Professor
Dept. of Medicine
Regional Institute of Medical Sciences,
Lamphel.

Associate Professor.
Department of Medicine
Regional Institute of Medical Sciences
Imphal, Manipur

25

Dr. H. B. James
M.B.B.S; H.S (E.N.T.)
Medical & Health Officer
Civil Hospital, Lunglei

Phone No 21224

Date 3/10/94.

(19)

D. N. I. Singh.

18 A.R.

(1) Diff. Respiration.
Repetual sneezing / Chat
cough also. Uthay +
Plech +.

(2) M. R. Lung +
Bronchitis disease.

(3) R. Lung
2 to 3th dis.

(4) T. b. Tuber. cony
1 B.P. x 15 days

(5) T. b. Disease.
1 B.P. x 7 days. Rajen
3/10/94

26 62 (18) (83)

Phone : 330079

GENERAL MEDICAL CLINIC

Irabot Road, Imphal - 795 001

Ref. No.

Date.....

Name _____

Visiting Hrs.

Age _____ Sex _____

Week days : 8 a.m. to 5 p.m.

Address _____

Sunday : 8 a.m. to 12 noon

Holiday : 8 a.m. to 12 noon

TO WHOM IT MAY CONCERN

* Manipur *

This is to certify that Shrimati Ninghoujam Ongbi Manitombi Devi aged 73 years M/O Shri N.I. Singh of Lairikyengbam Leikai, Imphal is a patient of this Clinic for the last 3 years. She has been examined by me and diagnosed as a case of UTERINE PROLAPSE with diabetes mellitus (NIDDM). She has been advised to undergo surgical treatment (Major Operation) after controlling her diabetes mellitus. At present she is under my treatment and requires regular medical check-up with routine monitoring of the Urine and Blood investigations.

She is not related with me.

Dated/Imphal,
The 15th Sept. '95

Dr. Pushpa
Consultant Gynaecologist.

Please do not forget to bring it in the next visit for easy reference.
Report due on : Please do not substitute the Prescription.
Time : Specialist available by appointment only.



27 Medical Laboratory

R.M.C. Gate, LAMPHEL, IMPHAL - 795 004

Telephones : 224925 (Lab), 310029 (Res)

82
E3

Reference : F/7-9-95,

Name : Mrs. N. Manitombi Devi

Sex/Age : F/72 Yrs Address : Lairik Yengbam Leikai

Referred by :

BIOCHEMICAL EXAMINATION REPORT

TEST (S) DONE Blood Sugar Fasting & Post Prandial

TEST	RESULT	UNIT	NORMAL RANGE
B1. Sugar-Fasting	108.3	mg/dl	60-105
-2 hrs. P.P.	216.6	mg/dl	up to 140
-Random		mg/dl	
Serum Urea		mg/dl	45-130
S. Creatinine		mg/dl	18-45
S. Uric Acid		mg/dl	0.5-1.5
S. GOT		mg/dl	
S. GPT		U/L	5-40
S. Alk. Phosphatase		U/L	5-35
S. Bilirubin—Total		KAU	3-13
—Conjugated		mg/dl	0.3-1.0
S. Protein—Total		mg/dl	up to 0.3
—Albumin		G/dl	6-8
—Globulin		G/dl	3.7-5.3
S. Cholesterol		G/dl	2.3-3.6
S. Triglyceride		mg/dl	150-250
S. HDL-Cholesterol		mg/dl	40-140
S. Calcium		mg/dl	30-95
S. Sodium		mg/dl	9-11
S. Potassium		mEq/L	125-147
S. Phosphorus		mEq/L	3.8-5.0
S. Amylase		mg/dl	1-5
S. Acid Phosphatase		somogyi U/dl	60-160
S. CPK		KAU	1-5
S. LDH		U/L	up to 50
Others		IU/L	70-240

~~Hony, Pathologist~~

Note : Please refer strictly to the normal ranges given above, as the normal values may be slightly variable with different methods and kits used.

REGIONAL REHABILITATION CENTRE

R. M. C. IMPHAL.

RRC OPD No... 2711/2254/94-95

Date O.A... 22.8.94
D.O.D. 31.8.94

DISCHARGE SUMMARY

Patient's Name Ningthoujam Manitombi Devi
 Guardian's Name Mother of Dr. Jaba Singh
 Age/Sex 73 years/Female
 Address Lairikyengbam Leikai
 Occupation Housewife
 Race _____
 Income (PA/PM) _____

Chief complaint:- Stiffness of left shoulder 10 months.

H.P.I:- Patients complaint of pain & stiffness of the left shoulder for the last 10 months which is gradually increasing. There is no history of injury and no history of ~~fever~~. Patient is diabetic & she is on antidiabetic therapy.

Past history:- Nothing significant.

Treatment history:- Nil

On Examination:- ROM left shoulder Abduction - 45^0 . Flexion 90^0 (-)
 Internal rotation - Nil. External rotation Nil

Diagnosis:- Adhesive capsulitis left shoulder.

Treatment:- Manipulation under sedation on 22.8.94

Advice:- 1) S.W.D. left shoulder
 2) ROM exercises left shoulder.
 3) Check up on 30.9.94

4. Dr. Ketkhanu 1 sup. 1 m. twice day + 5 days.
 5. Dr. Ketkhanu 1 sup. 1 m. twice day + 10 days
 2 kg. twice day + 10 days

Prepared by:-

(Dr. N. Bimal Singh)
 Medical Officer

Stop 3/11/69 29 (80)
 Or 500 (42) 65
 JAWAHARLAL NEHRU HOSPITAL
 IMPHAL

O.P.D. TICKET

Dr. Reg. No. (Yearly)

No. of Patient

70

Sex

Religion

22244
 A/ Mani, M.G.

MEDICAL DEP.

MANIPUR

HOSPITAL & PHC

Book No.

Outdoor Patients

0534

Coupo No.

Rs. 2/-

History/Physical Examination

Treatment

14/10 Pain & restricted mobility of shoulder

14/10 9/10 of shoulder all movements

restricted

14/10 of elbow

14/10 of forearm

14/10 of R.L.

14/10 for Surgeon. (Dr.)

14/10 for Dr. Abdul Ghanshyam Yadav (2)

14/10 three times daily
after 1/2 hour empty

② Shoulder mobility

14/10

BBINA Clinical Laboratory

R.M.C. Road, Imphal (Branch : B.T. Road), Manipur-795 001
Phones : 221609 (O), 224361 (R)

30

79
CB
Dr. Th. Dhabal Singh

MBBS, MD, FAIMS

Former Associate Professor of Pathology
R.M.C., Imphal, Manipur.

NATIONAL REFERENCE LABORATORY under I.W.M. Quality Control Programme

Reference No. : 228

Date : 08/12/51

Name : SMT N. MANITOMBI
Age : 75 YEARS
Address : L.Y. LEIKAI
Referred by : DR. S. IBUNGOCHOUBA

Sex : F

TEST(S)	RESULT(S)	METHOD(S) NORMAL RANGE(S)
CHEMICAL PATHOLOGY:		
Blood Sugar, Fasting-	66 mgst	Oxidase/Peroxidase 60-100mgst
Blood Sugar, Post-prandial-	251 mgst	Oxidase/Peroxidase 60-140mgst

STATEMENT BY DR SS SHAH,
SMO 30 ASSAM RIFLES

31

67

164

I have the honour to state that the Comdt 30 Assam Rifles Col M Kapur had conveyed to me in his office on 12 Aug 96 that the application submitted by me to DGAR as representation against my posting from 30 Assam Rifles to 18 Assam Rifles has been examined by the DGAR and not accepted and therefore I have to proceed on posting to 18 Assam Rifles on or before 05 Sep 96.

Dated: 25 Sep 96

Station: C/O 99 APO

Dr. S S Shah
(Dr. S S Shah)
Senior Medical Officer
30 Assam Rifles