

20/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 184/96.....

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SECTION OFFICER (Judl.)

Basit  
30.1.18

Shri M.S. Singh

Applicant(s)

VS-

Union of India and others

Respondent(s)

Mr M. B. Sharma

Advocates for the applicant(s)

Mr G. Sarma, Addl. C.G.S.C.

Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BB No 7/18.242 Dated 27.8.96</p> <p><i>[Signature]</i> 29/8/96 y.c.D. Registrar</p> <p>Mentioned as unlisted</p>	29.8.96	<p>Learned counsel Mr M. Bir Sharma for the applicant. Mr G. Sarma learned Addl. C.G.S.C. for the respondent</p> <p>Mr M.B. Sharma requests that this application may be taken up too unlisted as he has come from Imphal and the matter is of urgent nature. Considered his prayer and the same allowed.</p> <p>Mr M.B. Sharma moves that application on behalf of the applicant against his order of transfer No. EST/JTO/TFR/96-97/39 dated 10.6.1996 Annexure-A/15. In O.A.No.113/96 same order was impugned, but as the representation dated 14.6.1996 of the applicant had not been disposed of the respondents that O.A. was disposed of with a direction to the respondent to dispose of the said representation within one month from the date of receipt of the order dated 2.7.1996 in that O.A. by respondent No.1. The respondent No.1 has since disposed of the representation dated 14.6.1996 vide his order No.STB/E/3/TENURE/XI/265 dated 22.8.1996, Annexure A/28, rejecting the prayer of the applicant on the ground that his transfer is justified as he being the longest stay JTO under TDM, Imphal in Manipur SSA. The applicant therefore, has submitted this instant</p>

30.8.96

Copy of order dtd. 29.8.96 received on 30.8.96.

*[Signature]*  
20/8/96

30.8.96

Notice issued to the concerned parties vide O. No. 3002 dt. 4.9.96.

*[Signature]* 1) Service Reports are still awaited.

2) W/s statement has not been filed.

80  
9/10

29.8.96

application under Section 19 of the Administrative Tribunals Act, 1985. The contention of Mr M.B. Sharma is that the transfer of the applicant is based on malafide. In the transfer order dated 25.8.1995 his name was not included and Shri Rashid Ahmed Shah, JTO, Wakha was transferred and posted under TDMIP vice first longest JTO at the Station who stands transferred and posted to Wakha. The longest JTO in the station Imphal at the relevant time was one Shri P.B. Singh. The order was, however, not implemented because Shri P.B. Singh was due for his promotion and he was promoted on 22.3.1996. Had this order been implemented immediately Shri P.B. Singh would have gone on transfer to Wakha. The clarification dated 31.5.1996 states that Shri R.A. Shah was to be relieved by the longest stay JTO in Imphal. But the applicant was not in Imphal, but he was posted in Loktak at that time. According to him the applicant is the seniormost JTO in the Manipur Division and the transfer order dated 10.6.1996 was issued simply to deprive him of his promotion to one of the vacant posts of TES Gr.'B' in Manipur Division. Further, according to him, the malafide intention of the respondents is clear from the order dated 22.8.1996 above which had changed the situation from longest stay JTO in Imphal to longest stay JTO under TDM, Imphal.

The other contention of Mr M.B. Sharma is that the transfer order dated 10.6.1996 was made in violation of Rule 37(A) of P. & T Manual, Vol.IV affecting the education of his children.

Heard Mr M.B. Sharma and perused the contents of the application and the reliefs sought. The application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List for written statement and further order on 10.10.96.

Shri M.B. Sharma submits for an interim order on the interim relief prayer prayed for in the application. Learned. Addl. C.G.S.C., Mr G. Sarma, opposes the submission of Mr M.B. Sharma. However, having heard the learned counsel for the

contd-/.....

29.8.96

parties and considering the nature of the relief sought in this application I am of the view that an interim order is to be issued. Accordingly it is directed that the respondents shall keep the operation of the impugned order dated 10.6.1996 in abeyance till disposal of this O.A. The respondents may, however, take steps for early disposal of the O.A. keeping in view that this is a matter of transfer.

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

*[Signature]*  
Member

nkm

9.10.96

10.10.96

*W/S filed by in  
Respondts. at pgs. 78-90.*

Learned counsel Mr M.B. Sarma for the applicant. Learned Sr. C.G.S.C. Mr S. Ali for the respondents. Written statement has been submitted on 9.10.96. Copy of the same may be served on Mr M.B. Sarma.

By order of today in M.P.No.163/96 the applicant has been allowed to amend the application. Therefore, the applicant is directed to take steps on the amended application within 2 days and serve copy on the respondents. The respondents may thereafter file additional written statement.

List for written statement and further orders on 28.11.96.

*[Signature]*  
Member

11-10-96

*In terms of order d. 10.10.96  
passed in MP 163/96,  
Amendment-petition read  
from in Adroceli & in  
applicant.*

28.11.96

None present

Written statement has been submitted by the respondent NO. 3 and additional written statement submitted by respondent No. 1, 2, and 3. Copy of each one of them be served on the applicant immediately. Case is ready for hearing.

List for hearing on 18.12.1996.

*[Signature]*  
Member

19-11-96

*W/S filed on behalf  
of R. No. 3. at 171-72.  
Addl. W/Statement  
has been filed  
on 27.11.96.*



27-11-96

18.12.96

Learned Sr. C.G.S.C. Mr S. Ali and learned Addl. C.G.S.C. Mr G. Sarma for the respondents.

Seen the petition dated 16.12.1996 submitted by Mr M.B. Sharma, learned counsel for the applicant. In view of the personal difficulty, the hearing of the O.A. is adjourned to 17.1.1997.

Inform the counsel for the applicant.

Member

16-12-96

The Advocate of an applicant prays for adjournment preferably 3rd week of Jan '97.

nkm

19/12

17.1.97

Mr. S.Ali, Sr. C.G.S.C. for the respondents.

None for the applicant.

It is seen that Additional written statement submitted by the respondent Nos. 1,2 and 3 and the written statement submitted by respondent No.3 have not been served on the applicant. These are to be sent on the counsel of the applicant immediately in his address Shri M.B.Sharma, Nagampal, Singjubu birak, Imphal-795001.

The respondents may also served copy of the additional written statement filed by the respondent No. 1,2 and 3 as well as copy of written statement submitted by respondent No. 3 on the applicant separately.

Adjourned for hearing on 14.2.1997. Inform the applicant and his counsel.

Member

Pl. comply order

dated 18/12/96.

19/12

19.12.96

Copy of order dated

18.12.96 issued

to the applicant Advocate.

27-12-96

W/S filed on behalf of Respd. no. 3.

trd

17/1

Written objection on behalf of an applicant - filed to vacating interim order against an application to vacating interim order.

Pl. comply order

17-1-97 - 17/1

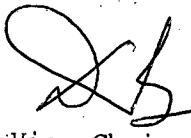
OA 184/96

1-97

Order dated  
17.1.97, issued to  
The Counsel of the  
Applicant along with  
Addl. w/s filed by R.  
No. 1, 2, 3. and w/s  
on behalf of R.No-3.  
vide D.No -  
Dt -

14.2.97

Let this case be listed for next Circuit  
Bench at Imphal.

  
Vice-Chairman

trd

13-2-97

13-2-97  
w/statement and  
Addl. w/s filed.

9.3.99

9.3.99

Case is ready for hearing.

lon.

15.3.99

Imphal

16.3.99

Imphal

Present in person

The applicant appears in person. Mr A. Deb

17.3.99

(Imphal)

Roy, learned Sr. C.G.S.C. appears for the  
respondents.

It has been submitted by both sides that  
the applicant had submitted request for  
withdrawal of the application. The applicant  
present confirms the fact that he has submitted  
request for withdrawal of his application.  
Mr Deb Roy also confirms that there is request  
for withdrawal of the application. Today also  
the applicant submits that he may be allowed  
to withdraw the application. Prayer allowed.

In view of the above the application  
is dismissed on withdrawal.

No order as to costs.

  
Member

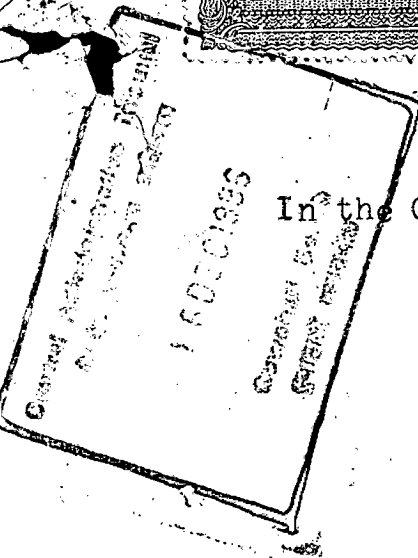
nkm

11.4.99

Copies of the  
order have been  
sent to the D/Sec.  
for issuing the  
same to the parties.  
H!

Issued vide  
D.Nos. 1327 to 1329  
D. 21.4.99.

H!



## Amendment-

In the Central Administrative Tribunal, Guwahati Bench,  
Guwahati

O.A. No. 184 of 1996

Shri M. S. Singh

.... Applicant

Vrs.

The Union of India  
and two others

.... Respondents

Application on behalf of the  
applicant for an adjournment

Most respectfully Sheweth :

1. That the Petitioner is the counsel for the applicant in the above referred to case which is fixed on 18-12-1996 for hearing.
2. That owing to the demise of one of the near relatives of the petitioner, the petitioner is unable to appear personally the Hon'ble Tribunal on behalf of the applicant.
3. That if the case is proceeded without the petitioner/counsel, the applicant shall suffer an irreparable loss.

It is, therefore, prayed that Your Honour be pleased to fix another date preferably in the third week of January, 1997 and the date may be communicated in the interest of justice.

Imphal, the  
16th Dec., '96

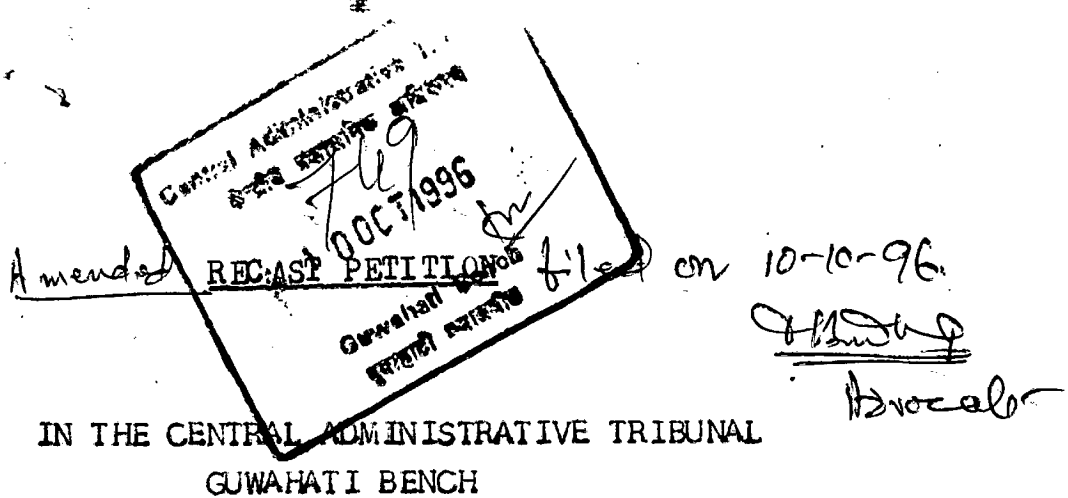
By

Self

Signature of the Petitioner

(M. Bimol Sharma)  
Advocate,

Nagamapal, Singjubung Leirak,  
Imphal - 795 001



GUWAHATI CASE O.A. NO. 184 OF 1996

IN THE MATTER OF -

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

AND

IN THE MATTER OF -

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

... APPLICANT

- Versus -

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

... 3. That

Received copy  
See  
8.10.96  
18/10/96

*[Signature]*

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

... RESPONDENTS

In the matter of an application on behalf of the applicant for redressal of his grievance or for quashing Order No. EST/JTO/TFR/96-97/39, dated 10-6-1996 of the Telecom District Manager, Imphal (Respondent No. 3, (Annexure A/15) and letter No. STD/ES-3/TENURE/XI/265 Ltd. at Shillong 22nd August, 1996 of the Respondent No. 2 (Annexure A/28).

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

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

.... 2. PARTICULARS

*[Handwritten signature]*

2. PARTICULARS OF THE RESPONDENTS :

- (a) The Union of India, represented by  
by the Secretary, Ministry of Communications,  
Govt. of India, New Delhi - 110 001.
- (b) The Chief General Manager,  
North Eastern Circle, Shillong,  
Department of Telecommunications,  
Shillong - 793 001, Meghalaya.
- (c) The Telecom District Manager,  
Department of Telecommunication,  
Manipur Division, Imphal Manipur,  
Pin - 795 001.

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

The application is against the  
following order :

- i) Order No. : No. EST/JTO/TFR/96-97/39 and  
No. STD/ES-3/TENURE/XI/265
- ii) Date : Imphal, the 10th June, 1996 and  
Shillong the 22nd August, 1996  
respectively.
- iii) Passed : Telecom District Manager, Imphal,  
Deptt. of Telecommunication, Imphal,  
Manipur (Respondent No. 3) and  
Chief General Manager N.E. Telecom  
Circle, Shillong (Respondent No. 2)  
~~respectively~~ respectively.
- iv) Subject in brief : Transfer the applicant holding the  
post of Junior Telecom Officer,  
Loktak/Bishnupur, Manipur Division  
to Wakha, Nagaland under Nagaland  
Division with immediate effect and  
disposal of the representation of  
the application thereby rejected the  
representation respectively.

4. That the applicant declares that

... the subject

*Handwritten signature*

the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

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

6. FACTS OF THE CASE :

The facts of the case are given below:-

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

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

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

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

. . . Engineer

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Engineer Training at Jabalpur, Madhya Pradesh and posting was given at Guwahati vide Order No. STB-1/JE- Trainee/Posting, dated at Shillong, the 15th October, 1985 of the Respondent No. 2 Accordingly, the Account Officer (TRG), for G.M.TTC., Jabalpur issued order of striking off the the Junior Engineer Trainees for joining to their concerned officers/places after completion of the said Training vide Order No. TC/TI/3510/JE M010, dated at Jabalpur, the 13/10/85.

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

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

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

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

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

.... (4) That ...

dr



(4) That after serving about 3/4 months as J.E. at Gauhati, the applicant was transferred as JTO Lamphel vide order of the Respondent No. 2 in its Order No. STB/ES-3/Tenure/VII, dated at Shillong, the 2nd January, 1986. According to the said order the applicant was released from the Guwahati to enable him to join at Lamphelpat, Imphal. The Asstt. Director Telecom Manipur issued an order dated at Imphal, the 3rd February, 1986 under No. Est/JE-2/TFR/215 for allowing the applicant to join as JTO Lamphelpat, in Manipur Division and as such the applicant become one of the JTOs under Manipur Division of Department of Telecommunications.

Annexure A/5 is the copy of the said transfer order dated 2-1-85 ; and Annexure A/6 is the copy of the joining order and transfer of posting dated 3-2-86.

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

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

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

....It was cancelled...

dm

it was cancelled. The order of transfer of the applicant as JTO(South) was passed under No. Est/JTO-2/TFR/183, dated at Imphal 22.6.92 of the Respondent No. 3. Though the said order was passed it was implemented as it was cancelled, however, again by an order No. EST/JTO/TFR/202, Dtd. at Imphal 29.8.92 the Respondent No. 3 again transferred the applicant from JTO Installations & Maintenance (JTO C-DOT) to as JTO (VIP) and posted at Imphal.

Annexure A/8 is the copy of the Order Dt. 22-6-92 ; and

Annexure A/9 is the copy of the Order Dt. 29-8-92.

(7) That the applicant remain as JTO (VIP) at Imphal only about 1(one) year then he was transferred as JTO(Bishnupur/Loktak by the Respondent No. 3 vide order No. EST/JTO-2/TFR/253, dated. at Imphal, 28.9.93 and the applicant has been serving till date as JTO Bishnupur /Loktak since the said transfer and as such the applicant is always on the run because of frequent and unschedule transfer. Infact the Respondent No. 3 has no empowered to transfer the applicant right from the transfer order in Annexure A/7 to Annexure A/8 A/9, A/10 as the transfer affects outside Head Office/Quarter except by the Respondent No. 2. However, in the interest of service and as a Loyal to the Government the applicant followed without any protest or objection.

Annexure A/10 is the copy of the transfer order dated 28.9.93.

... (8) That ...

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(8) That the applicant has so far completed more than 11 (eleven) years as JTO since he has been appointed as JTO vide Annexure A/2 dated 15-10-85 so he has qualified for the next promotion to the post of TES(Group) 'B' as the minimum qualification is 6(five) years as JTO and the said TES Group 'B' is a promotion time bound post. At present there are about 4(four) post of TES Group 'B' are lying vacant in the Manipur Division like at Churachandpur, Senapati, Imphal etc. For the appointment of the said promotional post of TES Group 'B' from amongst the JTO there is no examination but a time bound promotional post if the post is/are available. The applicant is one of the applicant for the said post and in this respect the Divisional Engineer (SEP), Imphal forwarded the applications for appointment as TES Group 'B' from JTOs to the Assistant General Manager (A) of the Office of the Respondent No. 2 vide letter No. E-5/Group 'B'/95-96/175, dated at Imphal, the 4th October 1995 shows that the name of the applicant appears in SlNo. 2 according to seniority.

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

(9) That the person named Shri P.B. Singh appears in SlNo. 1 in the said forwarding letter in Annexure A/11 has already been promoted on officiating basis as TES Group 'B' vide order of the Asstt. General,

. . . Manager, Telecom (A) . . .

*du*

Manager Telecom (Admn) of the office of the Respondent No. 2, No. STB/TE-11/Pt-III/80, Dated at Shillong the 22nd March, 1996 and as such the applicant now becomes the Seniormost JTO in Manipur Division.

Annexure A/12 is the copy of the said Officiating Promotion dt. 22-3-96.

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

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

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


. . . (11) That ....

(11) That the Respondent No.3 did not take any steps or kept silent for sending a reliever from Manipur Division because his sweet one would be affected and as such he remain silent. In the meantime the seniormost JTO in Imphal Shri P.B. Singh promoted in the next higher post vide Annexure A/12. The act of the Respondent No. 3 is arbitrary because if he acted immediately according to the order and directives of the Respondent No. 2 in Annexures A/13 and A/13(A) the said P.B. Singh would have gone to Wokha, Nagaland Division as a reliever of the said Rashid Ahmed Shah so he waited and remained silent till the said P.B. Singh has been promoted.

12. That in the meanwhile the Respondent No. 3 sent a letter vide letter No. EST/JTO/TFR/96-97/36 Dtd. at Imphal, the 11-4-1996 for a clarification the word 'Station' as there are many stations in Manipur Division or under his Division. In response to the said letter the Assistant General Manager, Telecom (A) of the Office of the Respondent No. 2 issued a letter dated at Shillong the 31-5-1996 under No. STB/ES-3/Tenure/258 addressed to the Respondent No. 3, under the directives of the Respondent No. 2, clarified the matter and directed that "reliever of Shri Rashid Ahmed Shah, JTO working now in Wokha should be relieved by the longest stay J.T.O. in Imphal positively before 07.07.96." as such it is clearly clarified that the 'Station' means 'Imphal' not 'Lokatak' where the applicant is posted or working.

Annexure A/14 is the copy of the said letter dt. 31.5.1996.

. . . (13) That utmost. . .



(13) That utmost surprise to the applicant who is waiting for promotion to the higher post as he is the seniormost JTO serving in Manipur Division, against the directives of the Respondent No. 2 the Respondent No. 3 Pick-up the applicant who is not the longest stay JTO at Imphal and issued order of transfer vide his letter No. EST/JTO/TFR/96-97/39, Dtd. 10-6-96 and directed to releive the said Md. Rashid Ahmed Shah with immediate effect.

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

(14) That it is humbly submitted that the applicant is not the ligenst stay JTO at Imphal He is now posted as JTO Bishnupur/Loktak under Bishnupur District of Manipur. Thre are many JTOs at Imphal who are staying a very long period. It is humbly submitted the applicant remained at Imphal ~~only~~ about one year as JTO (VIP) vide Annexure A/9 dt. 29.8.92 and Annexure A/10 dt. 28-9-93, and as such the applicant is the shortest JTO at Imphal. Keeping Longest stay JTOs at Imphal and picking -up the appliant who is now at LikTak/Bishnupur is the arbitrary and mala-fide act of the Respondent No. 3.

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

. . . . Submitted that the . . .



submitted that the transfer is nothing but done with mala-fide intention so that the applicant may not be promoted who has already qualified as submitted above. So far the applicant remain silent and followed the directives of the Respondent No. 3 as a Loyal Soldier right from transferring JTO Lamphel to JTO Installations that to JTO/South that to JTO/VIP than to the present posting JTO Bishnupur/Loktak though the Respondent No. 3 is not empowered to transfer the applicant beyond the Head Quarter.

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

. . . Annexures . . .

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

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

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

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

.... thing to say...





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

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

"6. One cannot but deprecate that  
frequent, unscheduled and unreasonable  
transfers can uproot a family cause irre-  
parable harm to a Government servant.

... and drive him..

*Handwritten signature*

and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and result in hardship and demoralisation. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally."

(18) That it is also submitted that the order is arbitrary and does not involved public issue. The order is not publicly made and ~~has~~ has no public effect. It is done on the arbitrary act of the Respondent No. 3. It is ~~just~~ a punishment without any fault of the applicant. The applicant made a representation to the Respondent No. 2 and 3 on 14th June 1996.

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

(19) That as the Respondents failed to dispose the Representation of the applicant, even the Respondent No. 3 failed to forward the representation to the Respondent No. 2, the applicant, having no alternative, preferred an application under section 10 of the Administrative Tribunal Act before this Hon'ble Tribunal and the same was registered as Original Application No. 113 of 1996. The Hon'ble Tribunal disposed of the case and directed the Respondent Nos. 2 and 3 to dispose of the Representation dt. 14-6-96 (Annexure A/18 ) within one month from the receipt of

.... the order of the ..

AC

the order of the Hon'ble Tribunal passed in the said case vide order dated 2-7-1996 and ~~meanwhile~~ meanwhile the impugned order in Annexure A/15 was stayed.

Annexure A/19 is the copy of the said Order dt. 2-7-1996.

(20) That the applicant communicated the order in Annexure A/19 to the Respondents No. 2 and 3 along with a continuing representation on 5-7-1996 which may be considered as part of his earlier representation dated 14-6-1996 and it would help to dispose off his representation easily and submitted that the applicant acquired the seniormost serving JTO in Manipur division and his time-bound promotion to the 'TES' Group 'B' is overdue as the practice of the said promotion is only five years service as JTO in the Division is required. There is also no departmental examination as the application has been completing 11 (eleven) years as JTO in October, 1996. It is well known fact that there are about 4 (four) posts of TES Group 'B' are lying vacant in Manipur Division like in Churachandpur, Senapati, Imphal etc. after officiating promotion was given to one Shri P.B. Singh. If at the present stage the applicant is transferred from Manipur Division to another Division like Nagaland Division, his prospect of promotion is bleak and hence it is purely a mala-fide intention denying his promotion. The JTO A(I) union has already submitted that one Shri Jasobanta Singh JTO posted at Nagaland Division who held from Manipur Station may be treated as reliever of Md. Rashid Ahmed Shan in whose place the applicant has been transferring as reliever.

. . . . Annexure A/20 . . .

Annexure A/20 is the copy of the said continuing representation dated 5-7-1996.

(21) That inspite of knowing the said facts in Annexure A/19, the Respondent No. 3 caused to release the Applicant by instructing his subordinate office S.D.O.T. and issued a released order dated 3rd July, 1996 (alleging to have signed on 3-7-1996 but actually it was on 9-7-1996) by way of date back, that too the applicant was on leave.

Annexure A/21 is the copy of the said release order dt. 3-7-1996.

(22) That the applicant made a representation dated 15th July, 1996 to cancel the order in Annexure A/21 on the ground that it was purely a contempt of the Hon'ble Tribunal as it was passed after order was communicated to the Respondent No. 3 and it was date back etc. and as such the intention was a mala-fide one and moreover it could not be existed as the same was stayed by the Hon'ble Tribunal.

Annexure A/22 is the copy of the said representation dated 15-7-1996.

(23) That as the Respondent No. 3 refused to cancel the order in Annexur A/21, the applicant was forced two petitions one for quashing the order in Annexure A/21 and one for Contempt. The Tribunal registeed the same As O.A. No. 129 of 1996 and C.P. No. 22 of 1996 Ref: O.A. No. 113 of 1996 respectively. The Hon'ble Tribunal.

. . . . directed the . . .



directed the respondents to show cause as to why the application should not be admitted and the relief sought allowed in respect of the O.A. No. 129 and in respect of the C.P. No. 22 of 1996 the Hon'ble Tribunal directed the respondent No. 3 and another contemnors to show cause as to why contempt proceedings should not be initiated against them for wilful disobedience of the order stated above vide orders dated 23-7-1996 fixing 29-8-1996 for their show cause.

Annexure A/23 is the copy of the order dt. 23-7-1996 passed in O.A. No. 129/96 and

Annexure A/24 is the copy of the order dt. 23-7-1996 passed in C.P. No. 22/96

(24) That on receiving the notice from this Hon'ble Tribunal, the Respondent No. 3 caused to issue a letter dated 14-8-1996 under No. E-13/IPT/96-97/1 to the extent that in pursuance of the order of this Hon'ble Tribunal, the order in Annexure A/21 is kept in abeyance till further orders. That after thought and after receiving the notice for contempt of Court, the respondent again caused to issue another order on the same date vide No. E/13/IPT/96-97/13 to the extent that the order in Annexure A/21 may be treated as cancelled.

Annexures A/25 and Annexure A/26 are the copies of the said order /letters.

. . . (25) That the ..



(25) That the applicant was communicated by the Respondent No. 3 that the representation of the applicant dtd. 14-6-1996 and 5-7-1996 have been forwarded to the circle office only on 26-7-1996 Vide Order No. Est/JTO/-2/TFR/3 dtd. at Imphal, the 26-7-96. The act of the respondent No. 3 forwarding representation of the applicant only on 26-7-1996 clearly shows the intention of the respondents No. 3 to the extent that the representation of the applicant would be kept in cold storage so that the applicant may suffer. The respondent No. 3 forwarded the same only <sup>after</sup> compelling ~~sixxxxxxxxxxxxx~~ circumstances like directives of this Hon'ble Tribunal and the contempt petition bearing C.P. No. 22 of 1996 (in O/A No. 113/96) and as such the act of the respondent ~~xxxxxxxx~~ No. 3 is purely a mala-fide.

Annexure A/27 is the copy of the said letter dtd. 26-7-96.

(26) That the Asstt. Director, Office of the Telecom District Manager, Imphal communicated a letter from the Respondent No. 2 addressed to the Respondent No. 3 issued on 23.8.96 to the extent that "The representation of Shri M. Samarendra Singh, JTO, Bishunpur under TDM, Imphal dated 14-6-96 has been examined and it is intimated that the above transfer order issued to the official under letter No. EST/JTO/TFR/96-97/39 dated 10.6.96 issued by TDM, Imphal transferring him from Bishunpur/Loktak in Manipur SSA to Wokha in Nagaland SSA is justified as being the longest stay JTO under TDM, Imphal in Manipur SSA", vide letter No. STB/ES-3/TENURE/XI/265 dtd. at Shillong the 22nd August, 1996 to the applicant.

Annexure A/28 is the copy of the said letter dtd. 22nd August, 1996.

... (27) That it

(27) That it is humbly submitted that the letter in Annexure A/26 is nothing but purely a mala-fide one issued in collusion with the Respondent No. 3. It used the word 'Longest stay JTO under TDM, Imphal in Manipur.' which are against the earlier stipulated conditions in Annexure A/13 (the Longest stay JTO at the station) and clarification in Annexure A/14 (the Station Longest stay JTO at Imphal) and as such it is purely an improved one in order to suit the applicant by way how or by any means so that the applicant may be transferred from Manipur Division to Nagaland Division. Annexure A/28 is also silent the grounds of representation of the applicant in respect of the Longest JTO Imphal, his promotional prospect, dislocation of the family and the instructions of Government of India and as such the Respondents admitted that the transfer order in Annexure A/15 and disposal of representation in Annexure A/28 are issued mala-fide so that the future promotional which is already due to the applicant may be denied and his other dislocation etc. otherwise the respondents would have given the legitimate order of transfer. The respondents have no answer to the claims and submissions of the applicant in his representations and as such the present transfer order is nothing but purely a mala-fide one which deserves the interference of this Hon'ble Tribunal and it deserves to be quashed.

(28) That it is submitted that the transfer is against the directives of the Government of India's instructions mentioned in the representation

.... Annexure A/18

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Annexure A/18 above dated 14/6/1996, and Annexure A/20 above dtd. 5/7/1996 and also against the P & T Volume as submitted in paragraph No. 6(17) above. It is humbly submitted that the notification of the Government of India is a law vide Shanti Kumar Ganguli V State of Tripura, reported in (1982) 1 Gauhati Law ~~Reports~~ Reports at page 211.

(29) That so far the released order of the applicant is now yet affected because of the stay order of the Hon'ble Tribunal and it is expected that he will be released any moment and as such status-quo of the applicant or stay of the operation of the order in annexure A/15 is necessary.

(30) That being aggrieved by the order at Annexure A/15 and A/28 aforesaid, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

7. That the applicant declares that he has availed of all the remedies available to him under the relevant service rules. The applicant made a representation to the respondent No. 2 and 3 through proper channel on 14-6-1996 (Annexure A/18) and also on 5/7/1996 (Annexure A/20) for review or stay of the said transfer order mainly on the grounds that :

.... (a) the applicant



- (a) the applicant is having two school going children and the school where his children are studying are not available at the present posting place and also at his home town;
- (b) the transfer order is mala-fide and arbitrary and is against the directives and stipulation in Annexure A/13 and A/14 as the applicant is not the longest stay JTO at Imphal;
- (c) The transfer order is against the directive of the P & T Manual and also against the Govt. of India's decision which is a law. Annexure A/18 is the said representation.
- (d) The transfer order is a mala-fide one in order to deny the prospect of promotion which is already due and above four vacancies of the higher promotional post lying vacant. Annexure A/20 is the said continuing representation.

Inspite of the said representation laying the said facts the respondent disposed of the representation of the applicant without giving any reason whatsoever only stating that the transfer order is

... justified



justified without giving any reason as to why and how the transfer order is justify and as such the transfer order is purely Mala-fide.

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

8. That the applicant further declares that he had not previously filed any application, Writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them, except the cases mentioned above.

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

- (a) to admit the application,
- (b) to call for the records,
- (c) to issue notice on the respondent No. 3 why the transfer order No. EST/JTO/IFR/96-97/39, dated Imphal 10-6-1996 (Annexure A/15) should not be set aside by this Hon'ble Tribunal,
- (d) upon hearing the parties to set aside the impugned order (Annexure A/15) on amongst other grounds given given below, and
- (e) cost of the application or case.

... G R O U N D S



G R O U N D S

- (I) FOR THAT transfer of the applicant to a distance place who is a low paid employee the power seems to be meant to be sparingly exercised under some compelling exigencies of particular situation and not as a matter of routine. If it were literally exercised, it will create tremendous problems and difficulties in the way of the applicant who is getting small pay;
- (II) FOR THAT transfer of the applicant cannot be said to be bona-fide but only colourable exercise;
- (III) FOR THAT the transfer order is mala-fide as it passed in order not to get promotion of the applicant in the higher post so that other juniors may get the higher post as the applicant is transferring to other Division outside Manipur Division;
- (IV) FOR THAT the transfer order is not involved public interest as it is passed with extraneous purposes in the garb of ostensible purpose of public interest;
- (V) FOR THAT transfer affects to a lowly paid employee and also without his consent and mala-fide intentions;
- (VI) FOR THAT the transfer order is arbitrary,

... mala-fide



malafide and passed with ulterior motive against the directives of the Respondent No. 2 and also without any reasonable excuse;

(VII) FOR THAT there is no reason for transferring the applicant to other places as his service at Loktak/Bishnupur or Manipur Division is very much required;

(VIII) FOR THAT if the applicant is to proceed on transfer to a remote place like Wokha, he can proceed, with his whole family and his school going children will be dislocated and there shall be irreparable loss;

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

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

TO STAY the operation of the order at Annexure A-15 with a direction to the respondent No. 3 not to relieve the applicant. As submitted in para No. 6 and 9 above, the applicant is unable to move or to proceed on transfer, therefore, if the operation of the impugned order is not stayed as prayed for the applicant shall suffer an irreparable loss

... Irreparable



irreparable loss which cannot be  
adequately compensated in money.

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

Signature of the applicant

Sd/-

.... VERIFICATION

*Amended  
Recast letter  
filed on 10-10-96  
[Signature]  
[Signature]*

*[Signature]*

VERIFICATION

I, Shri M. Samarendra Singh, son of Moirangthem Megho Singh, aged about 42 years, working as JTO in the Office of the Telecommunication Department, Manipur Division, Loktak, Bishunpur, Manipur, do hereby verify that the contents of para No. 1 to 8 and 11 are true to my personal knowledge as well as from records and para No. 9 and 10 are believe to be true on legal advice and that I have no suppressed any material fact.

Dated : 27-8-1996

Place : Imphal

Drafted and settled by

Sd/-  
Advocate

Signature of the applicant  
Sd/

To

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

*Amended.  
Recd. Kishor  
filed on 10-10-96  
[Signature]  
[Signature]*

INDIAN POSTS AND TELEGRAPH DEPARTMENT

OFFICE OF THE DIVISIONAL ENGINEER TELEGRAPH : NAGALAND:

H.Q. DIMAPUR - 127112

No. E-101/P.I/96

Dated at Dimapur the  
2nd February '77

On successful completion of training the following  
Telephone Inspector Trainees are hereby appointed as  
Temporary Telephone Inspectors in the scale of pay of  
Rs. 380-12-500-EB-15-500/- P.M. plus usual allowances  
under circle service conditions. The date of appointment  
are indicated against each. The post are renewal under  
under Circle Office Memo No. E-171/DMP dt. 19.3.76 and ag  
against the posts created vide C.O., SH. EST. BE-16/ESTC  
dt. 11.6.73.

Sl No.	Names	Date of appointment
1.	Shri Ashok Kanti Gupta	9.4.74
2.	" D. Chakravorty	9.4.74
3.	" Bapu Ram Boro	12.7.74
4.	" A. Deka Baruah	16.9.74
5.	" Pradip Kanti Bar	11.7.75
6.	" Hari Pada Majumdar	11.7.75
7.	" H.R. Bhattacharjee	11.7.75
8.	" Jyotirmoy Das	11.7.75
9.	" Subhash Ch. Paul	17.7.76
10.	" M Samarandra Singh	12.4.76

The terms of the appointment are  
as follows :-

.... 1. The Post.

*Handwritten signature/initials*

-24-  
-910-  
-1(2)-

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

Sd/- 2/2/77

Divisional Engineer Telegraphs  
Nagaland

H.Q. Dimapur - 797112

Copy to :-

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

Sd/- 2/2/77

Divisional Engineer Telegraphs Nagaland  
H.Q. Dimapur - 797112

*Handwritten signature/initials*



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11/2

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

No. STB-1/8B-Trainee/Posting Dated at Shillong,  
the 15th Oct., 1985

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

1. - - - - -
2. - - - - -
3. - - - - -
4. - - - - -
5. - - - - -
6. Shri M.S. Singh, under D.M.T. Gauhati.
7. - - - - -
8. - - - - -

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

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

Copy for information and necessary action to :

- - - - -  
- - - - -

10. Trainees concerned.
11. Spare

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

Sd/- illegible 25/10/85  
FOR GENERAL MANAGER TELECOM N.E. CIRCLE  
SHILLONG - 793 001

*Handwritten signature/initials*

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-31-  
-42-

Annexure A/B  
AB

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

No. TC/TI/2510/JE M010

Dated at Jabalpur,  
the 18/10/85.

Sub :- Strike off Junior Engineer  
Trainees of Category-II Strowger  
Modular Course Batch No. M010.

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

On successful completion of 37 weeks  
theoretical training in strowger Modular Course at  
Telecom. Training Centre, Jabalpur-482006 the Junior  
Engineer trainees of Category-II Strowger Modular  
Course Batch No. M010 as shown in the annexure 'A'  
are hereby struck off with effect from the afternoon  
of 18/10/85, with orders to report to the officers  
concerned mentioned against their names.

Enc: Annexure 'A'

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

Copy to :-

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.... ANNEXURE 'A'

*Handwritten signature*

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ANNEXURE 'A'

No. TC/TI/3510/JE Batch No. MO-10 Dated at Jabalpur  
the 18/10/85.

Staff order in r/o J.E. Trainees of Category  
-II (Strowgor) Batch No. MO-10.

-----  
-----  
-----

Unit of Rectt : N.E. Circle

22. B.C. Balghya	A.E. Carrier Tezpur	D.M.T. Gauhati
23. M. Samarendra Singh	SDOT Imphal	-do-
24. I.K. Bose	JE Rhones Gossalgaon	AE OSD Gauhati
25. Binay Bhushan Malakar	SDOT Agartala	Director Telecom Agartala

Sd/-  
(G.M. PRASAD)  
ACCOUNTS OFFICER (TRG)  
FOR G.M. TTC., JABALPUR-8

Sd/- illegible 17/10

Mud  
Tal

- 28 -

Home no A/3 (9)

- 4/3 =

A/3 (9)

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE DIRECTOR TELECOM, IMPHAL.

No. EST/JE-1/Trg/374 Dated at Imphal, the 19th Nov '85

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

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

Copy to :

- 1) - - - - -
- 3) - - - - -
- 4) The Official concerned.
- 5) - - - - -
- 7) - - - - -

Sd/-

For Director Telecom  
Imphal - 795 001

*[Handwritten signature]*

- 29 -

Annexure 10/4

- 4534 -

ALY

Department of Telecommunication  
Office of the District Manager Telephones, Guwahati.

No. DMT/EST-2/T&P/L/85-86/10  
dated at GH, 29-10-85

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

Sd/-

(B.K. Deori)  
Divisional Engineer(P&A)  
O/o the D.M.T. GH.

Copy to :-

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

Sd/-  
P.A. (E)

O/o the D.M.T/GH

- 30 -      Amrume H/S  
- 9851      H/S

INDIAN TELECOMMUNICATIONS DEPARTMENT  
OF THE GENERAL MANAGER, TELECOM. N.E. TELECOM  
CIRCLE, SHILLONG-793001.

No. STB/ES-3/Tennure/VII

Dt. at Shillong the 2/1/'86.

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

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

The transfer of Shri N.P. Dutta J.E. is in partial modification of this office memo of even no. dt. 8-7-85.

Shri N.P. Dutta will move first.

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

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

...3... Shri... (2).

9851

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- 47 -

~~11/11/80~~

-(2):-

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

Shri M.S. Sing will move first.

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

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

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

Sd/-  
(S. Ramenujam)  
Asstt. General Manager Telecom  
(SF) For General Manager Telecom  
Shillong.

Copy for information and necessary action to :-

1. The Director Telecom Shillong/Dibrugarh/Imphal Agatala.
- 2) The D.M.T. Gauhati.
- 3) The D.E.T. Shillong/Aizawl/Shillong
- 4) Official concerned
- 5) DEP-Shillong.

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

Jtu  
Jrl

- 32 -  
- 37 -  
- 48 -

Annexure 14/11/86  
H/8

DEPARTMENT OF THE TELECOMMUNICATIONS  
OFFICE OF THE DIRECTOR TELECOMMUNICATIONS  
MANIPUR, IMPHAL-795001

No. Est/JE-2/TFR/215

Dated at Imphal, the  
3rd Feb. '86.

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

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

Shri S.R. Mukherjee J.E. may apply for TADA advances, if required.

Sd/-  
( J.N. LAL)  
Asstt. Director Telecom  
for Director Telecom Imphal-795001.

Copy to :-

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

A sstt. Director Telecom  
For Director Telecom Imphal-795001.

—



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-28-  
-429-  
Ameywale 17/2  
17

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE DY. GENERAL MANAGER, TELECOM/IMPHEAL

No. EST/JTO-2/TPR/126      Dtd. at Imphal 12.4.90.

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

- 1) Shri M. Somarendra Singh, JTO Imphal Exchange is posted as JTO Installation and Maintenance of C-DOT Exchange. He will work at Tamenglong with Shri Das, JTO, Task Force at Imphal and will learn the Installation of C-DOT Exchanges.
- 2) Shri D. Purkayastha, JTO cable is posted as JTO Imphal vice Shri M. Somarendra Singh. Shri D. Purkayastha will deal out-door & In-door plant of Imphal Exchange.  
  
Shri D. Purkayastha will joint first as JTO Imphal.
- 3) Shri R.K. Debanath, JTO will work as JTO (Cable) under SDOP/Imphal vice Shri Purkayastha, JTO cable transferred.

... The official. (2).

Flw  
gms

-34-39-  
-50-

-1(2):-

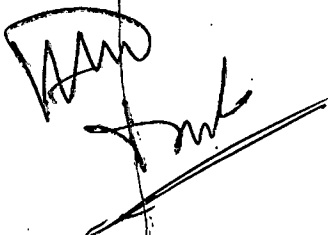
The official at Serial No.1 may  
apply for TA/D/ advances if required.

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

Copy to :-

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

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



- 35 -

Amended H18

- 5/10 -

H18

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

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

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

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

Sd/-  
( C.K. Deb)  
Asstt. Director Telecom.  
For Telecom District Manager, Imphal.

Copy to :-

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

... 2)... The...(2).

*[Handwritten signature]*

- 36 -

- 52 41 -

-(2):-

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

3) - - - - -

4) - - - - -

5) - - - - -

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

7- 8) - - - - -

9) - - - - -

Sd/-

For Telecom District Manager,  
Imphal- 795001.

The  
only

-37-      Home no 419  
-57- 42-      419

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. Est/JTO/TFR/

Dtd. at Imphal, 29.8.92.

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

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

Sd/-  
( C.K. DEB)  
Asstt. Director Telecom.  
For Telecom District Manager, Imphal.

Copy to :-

1. - - - - -
2. - - - - -
3. - - - - -
4. - - - - -

5-7. Personal file of the Official M. Somerendra Singh.

For Telecom District Manager,  
Imphal- 795001.

-38-  
-43-  
-54-

Amearp A/10

A/10

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. Est/JTO-2/TER/253

Dtd. at Imphal, 28.9.93

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

Charge report may be sent to all concerned.

1. - - - - -
- ✓ 2. Shri H. Sumerendra Singh JTO (VIP) under SDOT/ Imphal is transferred and posted at Bishunupur under SDOT/Imphal with Headquarter at Bishunupur vice Shri S. Dholendra Singh, JTO, Bishunupur.
3. - - - - -
- to
10. - - - - -

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

*Handwritten signature*

(K.G. Singh.)

Asst. District Manager, Imphal

contd..3..

- 39 -  
Home no 814  
814

DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL-795001.

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

Dated at Imphal  
the 4th Oct. '95.

To,

Shri C.N. Glyne  
Assistant General Manager (A)  
O/O the C.G.M., N.E. Telecom Circle  
Shillong- 793 001-

Sub :- Option for officiating  
in TES Group 'B' from JTOs.

Kindly find enclosed herewith an application  
received from the JTOs are given below. They have  
option for TES Group 'B' from JTOs.

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

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

Hand  
Yak

-40-

Annexure A/12

86-45-

A/12

DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,  
N.E. CIRCLE, SHILLONG-793 002

No. STB/TE-11/Pt-III/80

Dated at Shillong the  
22nd March, '96.

The Chief General Manager, Telecom, N.E.  
Circle, Shillong is pleased to issue the following  
cadres for local officiating promotions and  
posting in the cadre of T23 Group 'B' to have  
immediate effect.

Sl.No.	Name	Present place of posting	Post of officiating arrangement.
1.	Shri S. Bhattacharjee	JTO Roing	SDR (Group) Roing
2.	" S.N. Shen	JTO Tawang	SDR (Group) Tawang
3.	" P.B. Singh	JTO Imphal	SDR (Group) Imphal
4.	" S.K. Bhownick	JTO Disapur	SDOT (Disapur vide Shri S.K. Mitra

The Officiating promotion of the above men-  
tioned officials is purely temporary and will stand  
automatically terminated and reverted on expiry of  
180 days or on joining of regular incumbents of the  
posts on specific orders issued by the officer or  
any competent authority whichever is earlier. The

... The...(3).

*[Handwritten signature]*  
*[Handwritten signature]*



-41-  
-5746-

-(2):-

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

Necessary charge report may be sent to all concerned.

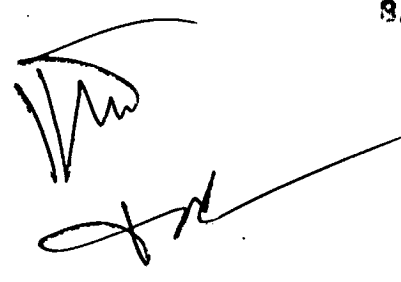
SA/-

( G.K. Chyne )  
Asstt. General Manager, Telecom  
(M, H)  
O/O the Chief General Manager Telecom,  
N.E. Circle Shillong-793 001.

Copy to :-

1. The Director General Telecom (STG-II)  
T.C. HQ, Sanchar Bhawan, New Delhi.
2. Senior P.A. to CGMT/GM(D), Circle Officer Shillong
3. DGM(A)/DGM(P)/DFM/AGM(E)/DE Inst/V.O./C.O. Shillong
4. T.D. Itanagar/Dimapur/Imphal.
5. A.O.(MRP)/A.O.(AC-0) Shillong
6. P/F of officials
7. Hindi Translator
8. Spars.

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



- 42 -  
- 47 -  
- 58 -

Doneauve H/13  
H/13

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,  
N.E. CIRCLE, SHILLONG- 796001.

No. STB/RS-3/Tenure/XI      Dated at Shillong,  
the 25.8.95.

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

1.      Shri B.C. Paul JTO/Kohima is now transferred and posted under TDM/Agartala vice longest stay JTO at the station who stands transferred and posted to Aizawl.
2.      Shri M.R. Dutta, JTO/Aizawl is now transferred and posted under TDM/Agartala vice second longest stay JTO at the Station who stands transferred and posted to Aizawl.
3.      Shri B.C. Das, JTO/Saiha is now transferred and posted under TDM/Agartala vice third longest stay at the Station who stands transferred and posted to Saiha.
4.      Shri B.B. Malakar, JTO/Zunheboto is now transferred and posted under TDM/Agartala vice fourth longest stay JTO at the Station who stands transferred and posted to Zunheboto.

...S... Shri (2)...

*THW*  
*gub*

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-598-

-1(2):-

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

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

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

8. Shri A.K. Sen, JTO/Alnawi is now transferred and posted under TDM/Tenager and posted to Alnawi.

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

--- 3)---

The  
Jad

-44-

-60-49-

-(3):-

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

Sl/-  
(SH. MAJAM )  
AGMT (Admin)  
for Chief General Manager Telecom,  
N.E. Circle Shillong.

Copy to :-

- 1-6 TDM/AGT/AZI/DMP/DP/ITN/SH
7. A.O.(T) C.O. Shillong
8. Circle Secretary JEPA(I)
9. A.E. E-10B Shillong-793001.

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

*Handwritten signature*

— 45 — Homecoming 07/13(A)  
— 61 — 50 — 11/13(A)

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

No. STB/ES-3/Tenure/XI

Dated at Shillong,  
the 9th Feb. '96.

To,

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

Sub:- Tenure transfer Case  
of JTOs.

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

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

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

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

*[Handwritten signature]*

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-57-  
-62-

:- (2) :-

<u>Sl.No.</u>	<u>Name of JTOs</u>	<u>Present station of working</u>
5.	Shri D.K. Deb	JTO Kohima
6.	" M.N. Mazumdar	JTO Kohima
7.	" Rashid Ahmed Shah	JTO Wokha
8.	" A.K. Sen	JTO Mizawl
9.	" D. Laskar	JTO Tura

-----

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

-----

*Handwritten signature*

14

-47- Annexure A114  
-68-52- A114

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

No. STB/ES-3/Tenure/258 Dated at Shillong the 31-5-96

To  
The T.D.M., Imphal.

Sub:- Tenure Transfer of JTOs

Reference :- EST/JTO/TFR/96-97/36  
Dtd. at Imphal, the 11.4.96 ||

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

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

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DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. EST/JTO/TPR/96-97/39      Dtd. 10.6.96.

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

Necessary TA/DA may be applied  
if required.

Sd/-  
Telecom District Manager,  
Imphal.. 796001.

Copy to :-

1. The Chief General Manager, N.E. Telecom Circle, Shillong.
2. The Asstt. General Manager Telecom (A), N.E. Circle, Shillong.  
O/O CGMT/Shillong.
3. The Telecom District Manager, Dimapur.
4. The A.O. (TA) O/O CGMT, Shillong.
5. The official concerned.  
Shri M. Somarendra Singh JTO  
O/O the SDOT/Imphal.

*Handwritten signature*



-49-  
-65-  
-S2-

-:(2):-

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

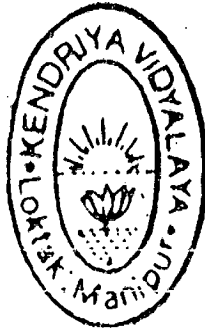
Sd/-

(DAVID HASSA )  
Asstt. Director Telecom,  
for Telecom District Manager,  
Imphal- 795001.

btw  
ad

Phone : ( 81 - Local )  
( 203 - F & T )

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



इरभाष : ८१ स्थानीय  
२०८ डाक-तार विभाग

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

Ref. No./संदर्भ संख्या: KA/KV-LOR/96-97/143 Date/तिथि: 17.6.96.....

READING CERTIFICATE

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

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

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

SD/JALAL

Principal/प्रधानाचार्य  
... Kendriya Vidyalaya Loktak H.B. Project  
केन्द्रीय विद्यालय लोकताक जल वि० परियोजना  
मणिपुर (MANIPUR)-795124

*[Handwritten signature]*

- 57- *Incharge R/D*  
*86-67*

OFFICE OF THE BAL VIDYA MANDIR  
LOKTAK HE PROJECT, MANIPUR

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

Dated: 17.06.96

READING CERTIFICATE

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

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

*(M. Ch. Narayani Devi)*  
( Mrs Ch. Narayani Devi)

Incharge- Bal Vidya Mandir  
Loktak HE Project, Manipur

—

*MD*

To

- 18  
Annexure of 18  
18/18
1. The Chief General Manager,  
North-Eastern Circle,  
Shillong.
  2. The Telecom District Manager,  
Imphal.

Imphal, the 14th June, 1996

THROUGH PROPER CHANNEL

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

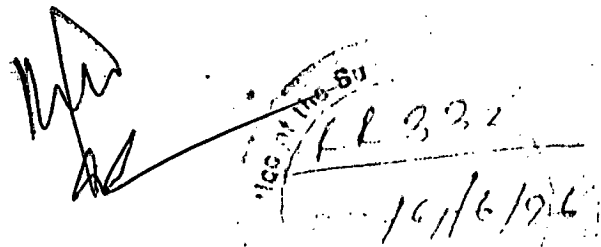
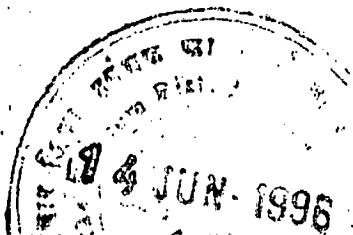
Representationist : Shri M. Samarendra Singh,  
J.T.O., Bishnupur/Loktak,  
Manipur, resident of  
Khangabok Awang, Part-I,  
Thoubal District, Manipur.

Sir(s),

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

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

.... 2. That



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

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

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

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

... I humbly

*[Signature]*

-5459-  
-70-

-(2)-

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

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

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

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

.... 6.



- 550 -  
- 71 -

- (4) :-

6: That it is a fact that the tenure transfer order of Md. Rashid Ahmad Shah issued about 5 months ago, however, it was not implemented because if it was implemented the than Longest Stay as JTO at Imphal as well as the Senior most in Manipur Division would have been affected. After the Senior most JTO in the Division has been officiated to the next higher post only ~~xxxxxxxxxxxx~~ recently, the transfer order is implemented by picking-up me only. Still I am not the Longest Stay JTO in Imphal and still there are many Longest Stay JTOs at Imphal. Picking-up me is nothing but purely an arbitrary and mala-fide act.

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

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8. I may draw your kind attention to the following Government of India's decision vide Govt. of India Ministry of Home Affairs in consultation with the Ministry of Law issued under Memo No. 75/58 Kats(A), dated the 24th March, 1965 (sic) (1968) in respect of transfer that :

"Art. 29.3(11) Other things being equal, the State will get better service from a willing from a willing servant than from one who is compelled to carry out the duties of a post against his wishes. So long as the reluctance of an officer is not based on unreasonable or unworthy considerations, public interest would generally be better served by taking some one who is not so reluctant.

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

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

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

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

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

Yours faithfully,

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

Copy to :

Advanced copies to the  
Addressees.

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

12

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI  
ORIGINAL APPLICATION NO.113 of 1996.

Dr. H.B. Singh

...  
VORAWO

Applicant.

Union of India & Ors.

Respondents.

- P R E S E N T -

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)

For the Applicant: Mr. H. Bimal Sharma, Advocate.

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

2.7.96

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

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

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



*[Handwritten signature]*

2.7.96



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

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

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

sd/- MEMBER(A)

Memo.No. 2174

Dated 18/7/96

Copy for information and necessary action to :

1. Shri M. Samarendra Singh, Junior Telecom Officer, Loktek, Manipur, Department of Telecommunication.
2. The Chief General Manager, North Eastern Circle, Shillong, Department of Telecommunication, Shillong -793 001, Meghalaya with a copy of application in O.A.113/96.
3. The Telecom District Manager, Department of Telecommunication, Imphal -795 001, Manipur with a copy of application in O.A.113/96.
4. Mr.S.Ali, Sr.C.G.S.C. for the Union of India, with a copy of application in O.A.113/96.
5. Mr.M.Bimal Serna, Advocate, Gauhati High Court.

Encls : As above.

18/7/96  
SECTION OFFICER(3).

9c  
-65-  
H120  
To

1. The Chief General Manager,  
M.E. CIRCULAR, Shillong.
2. The Telecom District Manager,  
Imphal.

Imphal, the 5th July, 1996

THROUGH PROPER CHANNEL

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

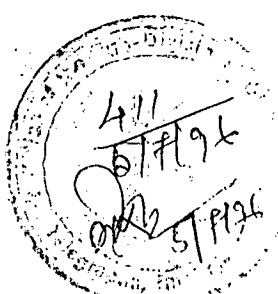
Representationist : Shri M. Samarendra Singh,  
J.T.O., Bishnupur/Loktak,  
Manipur, resident of Khangabok  
Awang, Part - I, Thoubal  
District, Manipur.

Sir(s),

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

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

.... Hon'ble Tribunal



-66-

(2)

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

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

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

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

.... 3. That

*[Handwritten signature]*


-67-

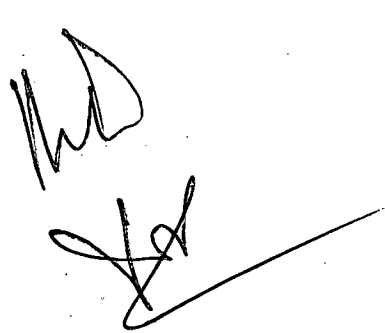
-(3):-

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

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

Yours faithfully,

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



-68- 1121

GOVERNMENT OF INDIA  
DEPARTMENT OF TELE COMMUNICATIONS  
OFFICE OF THE SR.S.D.E. TELEGRAPHS: IMPHAL:795001.

\*\*\*\*\*

No.E-13/IPT/96-97/12. Dtd, the 5th July 1996.

Subj:- Release Order.

In pursuance of TDM, Imphal letter No. EST/JTO/TPR/96-97/39 at 10/6/96, Shri N. Samarendra Singh, JTO is hereby released from the strength of this sub-division with immediate effect with order to report for duty under TDM, Dimapur.

Necessary TA/DA may be applied if required.

Sd/-  
( K. J. Singh )  
Sr. SDE Telegraphs, Imphal.

Copy to:-

- 1<sup>st</sup> The TDM, Imphal: 0 for kind
- 2<sup>nd</sup> The TDM, Dimapur: 0 information
- 3<sup>rd</sup> The A.O. (Cash) o/e TDM, Imphal: 0 & necessary
- 4<sup>th</sup> The official concerned. He is requested to hand over the necessary documents if there be to the JTO/Churachandpur. 0 action.
- 5<sup>th</sup> The JTO, Churachandpur to take over the charge of JTO/Lohtak in addition to his normal charge temporarily, without any extra remuneration.

Sd/-  
( K. J. Singh )  
Sr. SDE, Telegraphs, Imphal.

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To

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

Imphal, 15 July, 1996

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

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

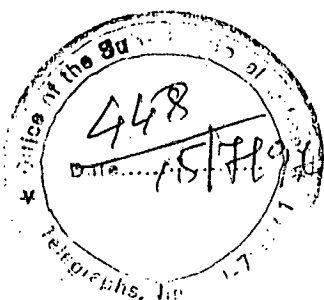
Sir,

With reference to your Release Order No.

E-13/IPT/96-97/12 alleged to have been signed on 3rd July, 1996, I humbly submit that I was on leave and I joined on 4th July, 1996 and my leave was <sup>to be</sup> sanctioned by the T.D.M. on your recommendation and as such you have fully aware that I was on leave when the Release Order alleged to have been issued. Under such circumstances Release Order cannot be issued during leave period, even if it was actually issued on 3rd July, 1996.

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

.... Tribunal





-20-

- (2) :-

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

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

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

Yours faithfully,

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

Copy to :

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

(M. Samarendra Singh)



DA No. 129/96  
BP No. (CA)  
RP No. (JA)  
CP No. (DA)

71- 1125

Sri M. S. Singh, JTO APPLICANT(S)  
Union of Andhra Pradesh RESPONDENT(S)  
Mr. M. B. Sarma Advocate for the applicant.  
Mr. S. Ali. S. CSC Advocate for the Respondents.

Office Notes Court's Orders

23.7.96

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

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

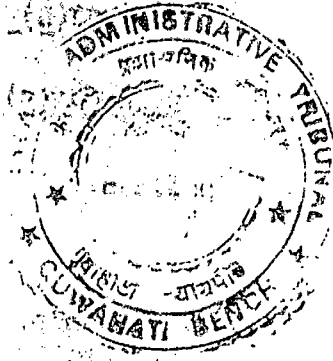
issue notice on the respondents to show cause as to why this application should not be admitted and the relief sought allowed. Returnable within 29.8.96.



Handwritten signature and initials at the bottom left of the page.

O.A.No.129/96

23.7.96



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

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

Sd/- MEMBER (ADMN)

Certified to be true Copy

প্রমাণিত প্রতিলিপি

COURT OFFICER

কোর্ট অফিসার  
Central Administrative Tribunal

গুৱাহাটী কেন্দ্রীয় প্রশাসনিক আধিকারিক

Guwahati Bench, Guwahati-৬

গুৱাহাটী ন্যায়ালয়, গুৱাহাটী-৬

MA

Signature

DA No.

MP No.

RA No.

CP No.

(DA

(DA

22/96 (O.A. 113/96)

Shri M. S. Singh

APPLICANT(S)

Shri K. J. Singh & Another

RESPONDENT(S)

Mr. M. B. Sarma... advocate for the applicant.

Mr. S. C. Das... Advocate for the Respondents.

Dr.

Court's Orders

23.7.96

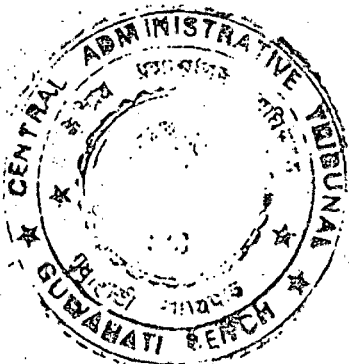
Learned counsel Mr M.B. Sarma for the contempt petitioner.

The contempt petitioner is an applicant in O.A.No.113/96 which was disposed of with directions on 2.7.96. This contempt petition has been submitted on the alleged violation of the order dated 2.7.1996 passed in O.A.No.113/96 by the alleged contemnors.

Issue notice by registered post on the alleged contemnors to show cause as to why contempt proceedings should not be initiated against them for wilful disobedience of the order of this Tribunal passed on 2.7.1996 in O.A.No.113/96. Returnable on 29.8.96.

List for further orders on 29.8.96.

Sd/- MEMBER (ADMN)



Certified to be true Copy

प्रमाणित प्रतिलिपि

COURT OFFICER

न्यायालय अधिकारी

Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण

Guwahati Bench, Guwahati

गुवाहाटी न्यायापीठ, गुवाहाटी-७

-24- 1195

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

\*\*\*\*\*

No. EST/JTO/TFR/96-97/1.

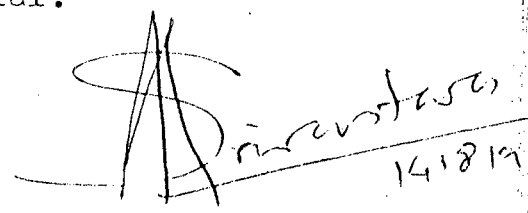
Dated at Imphal, the 14-8-'96.

In pursuance of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati Memo No. 2176 dated 18-7-'96, the transfer order issued vide our letter No. EST/JTO/TFR/96-97/39 dated 10-6-'96 in respect of Shri M. Samarendra Singh, J.T.O., Loktak is kept in abeyance till further orders.

Sd/-  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

- 1) Hon'ble Member (A), Hon'ble CAT, Guwahati Bench, Guwahati - for kind information please.
- 2) The Chief General Manager Telecom., N.E. Telecom Circle, Shillong-793001 - for kind information please.
- 3) The Telecom District Manager, Nagaland Divn., Dimapur.
- 4) The S.D.O.T., Imphal - He is requested to inform the official accordingly.
- 5) The A.O.(TA), O/O CGMT., N.E.T.C., Shillong.
- 6) A.O. (Cash), O/O TDM., Imphal.
- ✓ 7) Shri M. Samarendra Singh, JTO., Loktak.
- 8) The Circle Secy., JTOA (I), MIS Section, O/O TDM., Shillong.
- 9) P/F of the official.
- 10) Spars.

  
Telecom District Manager,  
Manipur, Imphal.

14.8.96

Mw B

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Government of India  
Department of the Telecommunications,  
Office of the Sr. S.D.E. Telegraphs, Imphal-795001.  
\*\*\*\*\*

No. E-13/IPT/96-97/13 Dated at Imphal, the 14-8-'96

Subject :- Cancellation of Release Order.

As Shri M. Samarendra Singh, J.F.O., Loktak is already on duty, the release order issued vide this Office letter No. E-13/IPT/96-97 dated 3-7-'96 may be treated as cancelled.

Sd/-

(A.G. SINGH)  
Sr. S.D.C. Telegraph,  
Imphal - 1.

Copy to :-

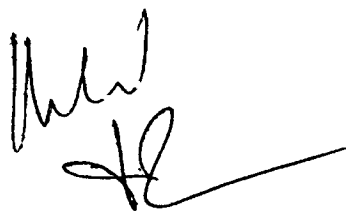
- - - - -

5. Shri M. Samarenaras Singh, J.F.O., Loktak -  
for information.

8. - - - - -

Sd/-

(A.G. Singh)  
Sr. S.D.E. Telegraphs,  
Imphal - 1



70 1121

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Manipur, Imphal-1.

No. EST/JTO-2/TFR/2.

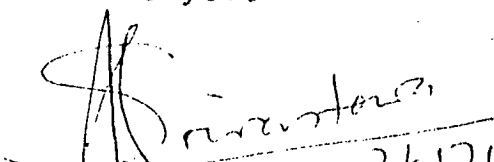
Dt. at Imphal, the 26-7-'96.

To

✓ Shri M. Samarendra Singh,  
J.T.O.  
Bishenpur.

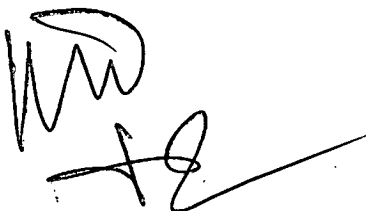
Sub. :- Your representation dated 14-6-'96 and  
5-7-'96.

Your representation as mentioned above has been  
forwarded to Circle Office vide our letter No. EST/JTO-2/TFR/1  
dated 26-7-'96. Soon after receipt of communication from Circle  
Office, the same will be informed to you.

  
( A. K. SRIVASTAVA ) 26/7/96  
Telecom. District Manager,  
Manipur, Imphal-1.

Copy to :-

 S.D.O.T., Imphal - for information.



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

NO. STB/ES-3/TENURE/XI/265

Dated at Shillong  
the 22nd August 1996.

To,

The Telecom District Manager,  
Manipur SSA,  
Imphal - 795 001.

Sub:- Representation of Shri M. Samarendra Singh, JTO,  
Bishenpur to cancel his transfer order from Manipur  
SSA to Wokha, Nagaland.

The representation of Sri M. Samarendra Singh, JTO,  
Bishenpur under TDM, Imphal dated 14.6.96 has been examined  
and it is intimated that the above transfer order issued  
to the official under letter No. EST/JTO/TFR/96-97/39 dated  
10.6.96 issued by TDM, Imphal transferring him from  
Bishenpur/Loktak in Manipur SSA to Wokha in Nagaland SSA  
is justified as being the longest stay JTO under TDM,  
Imphal in Manipur SSA.

The official may be informed accordingly.

(G.N. CHYNE)

Asstt. General Manager (Admn)  
for Chief General Manager  
N.E. Telecom Circle, Shillong.

Copy to :-

1. Shri M. Samarendra Singh, JTO through TDM, Imphal

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

Endst No EST/JTO/TFR/96-97 Part 1/54 dt 23.8.96

To Shri M. Samarendra Singh J.T.O. Loktak

Copy of the fax received from Co Shillong is hereby forwarded  
to Shri Samarendra Singh J.T.O. Loktak for information.  
The original letter will be handed over Acem after receipt from Co Shillong.

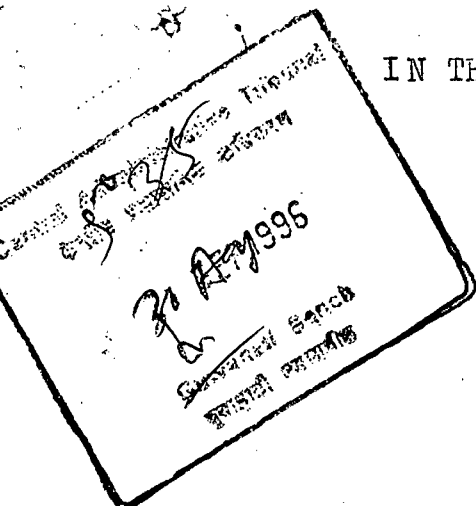
4  
23/8/96

Asstt. District Manager

N.E. Telecom District Manager

Imphal





78

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH : GUWAHATI:

GUWAHATI CASE O.A. No. 184 of 1996

Shri M. Samarendra Singh, JTO Loktak, Manipur.

.... Applicant

- Versus -

The Union of India and others ... Respondents

I N D E X

Sl.No.	Description of documents relied upon	Page No.
1.	Application	1 - 26
2.	Verification	27 - -
3.	Annexure A/1 (Appointment letter dt. 2.2.77 as Phone Inspector	28 - 29
4.	Annexure A2 (Appointment letter dt. 15-10-85 as JTO)	30 - 31
5.	Annexure A/3 (Completion of Training and order of posting dt. 18.10.85	31 - 32
6.	Annexure A/3(a) (Released order dt. 19-11-85)	33 - -
7.	Annexure A/4 (Joining Order dt. 29-10-86 at the Grievance Cell, Guwahati)	34 - -
8.	Annexure A/5 (Transfer order from Guwahati to Imphal dt. 2-1-86 )	35 - 36
9.	Annexure A/6 (Joining order and posting at Lamphel dt. 3-2-86	37 - -

... 10 Annexure A/7

Recd Copy  
406/1 Janna.  
Addl Clk SC  
CAT  
29.8.96

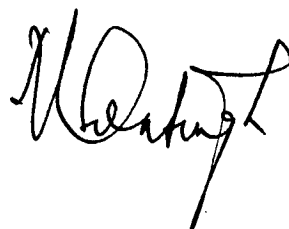
Sl.No.	Description of documents relied upon	Page No.
10.	Annexure A/7 (Transfer order as JTO Installation dt. 12-4-90)	38 - 39
11.	Annexure A/8 (Transfer order as JTO South dt. 22-6-92 )	40 - 41
12.	Annexure A/9 (Transfer order as JTO VIP dt. 29-8-92	42 - -
13.	Annexure A/10 (Transfer order as JTO BISHNUPUR/LOKTAK dt. 28-9-93	43 - -
14.	Annexure A/11 (Forwarding letter showing the seniority dt. 4.10.95	44 - -
15.	Annexure A/12 (Appointment of P.B. Singh on officiating promotion dt. 22-3-96	45 - 46
16.	Annexure A/13 (Transfer order of JTOs of different Divisions dt. 25-8-95)	47 - 49
17.	Annexure A/13(A) (Follow-up letter of Annexure A/13 dated 9-2-96	50 - 51
18.	Annexure A/14 (Letter directing for for relieving by longest stay JTO at Imphal dt. 31-5-96	52 - -
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Signature of the applicant



- 4 -

For use in Tribunal's Office

Date of filing
OR
Date of Receipt by Post
Registration No.
Signature for Registrar



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

GUWAHATI CASE O.A. No. of 1996

(82)  
Presented on 29-8-96  
by. K. Binoy Sharma  
Advocate

IN THE MATTER OF -

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

A N D

IN THE MATTER OF :-

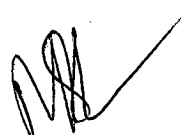
Shri M. Samarendra Singh, Junior  
Telecom Officer, Loktak, Manipur,  
Department of Telecommunication.

... .. APPLICANT

- Versus -

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

... 3. The



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

... RESPONDENTS

In the matter of an application on  
behalf of the applicant for redressal  
of his grievance or for quashing Order  
No. EST/JTO/TFR/96-97/39, dated 10-6-1996  
of the Telecom District Manager, Imphal  
(Respondent No. 3), (Annexure A/15).

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

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

... 2. PARTICULARS



2. PARTICULARS OF THE RESPONDENTS :

- (a) The Union of India, represented by  
the Secretary, Ministry of Communications  
Govt. of India, New Delhi- 110 001.
- (b) The Chief General Manager,  
North Eastern Circle, Shillong,  
Department of Telecommunications,  
Shillong -793 001, Meghalaya.
- (c) The Telecom District Manager,  
Department of Telecommunication,  
Manipur Division, Imphal Manipur,  
Pin - 795 001.

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

The application is against the  
following order :

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

4. That, the applicant declares that

.... the subject

MS

the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

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

6. FACTS OF THE CASE :

The facts of the case are given below :

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

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

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

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

... Engineer

AWR



Engineer Training at Jabalpur, Madhya Pradesh and posting was given at Guwahati vide Order No. STB-1/JE- Trainee/Posting, dated at Shillong, the 15th October, 1985 of the Respondent No. 2. Accordingly, the Account Officer (TRG), for G.M.TTC., Jabalpur issued order of striking off the Junior Engineer Trainees for joining to their concerned offices/places after completion of the said Training vide Order No. TC/TI/3510/JE M010, dated at Jabalpur, the 18/10/85.

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

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

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

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

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

... (4) That

ms

(4) That after serving about 3/4 months as J.E. at Gauhati, the applicant was transferred as JTO Lamphel vide order of the Respondent No. 2 in its Order No. STB/ES-3/Tenure/VII, dated at Shillong, the 2nd January, 1986. According to the said order the applicant was released from the Guwahati to enable him to join at Lamphelpat, Imphal. The Asstt. Director Telecom Manipur issued an order dated at Imphal, the 3rd February, 1986 under No. Est/JE-2/TFR/215 for allowing the applicant to join as JTO Lamphelpat, in Manipur Division and as such the applicant become one of the JTOs under Manipur Division of Department of Telecommunications.

Annexure A/5 is the copy of the said transfer order dated 2-1-85; and

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

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

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

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

.. it was cancelled

16/2

it was cancelled. The order of transfer of the applicant as JTO(South) was passed under No.Est/JTO-2/TFR/183, dated at Imphal 22.6. of the Respondent No. 3.

Though the said Order was passed it was implemented as it was cancelled, however, again by an Order No. EST/JTO/TFR/202, Dtd. at Imphal, 29.8.92, the Respondent No.3 again transferred the applicant from JTO Installations & Maintenance (JTO C-DOT) to as JTO (VIP) and posted at Imphal

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

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

(7) That the applicant remain as JTO (VIP) at Imphal only about 1(one) year then he was transferred as JTO(Bishnupur/Loktak by the Respondent No. 3 vide order No. Est/JTO-2/TFR/253, Dtd. at Imphal, 28.9.93 and the applicant has been serving till date as JTO Bishnupur/Loktak since the said transfer and as such the applicant is always on the run because of frequent and unschedule transfer. Infact the Respondent No. 3 has no empowered to transfer the applicant right from the transfer order in Annexure A/7 to Annexure A/8 A/9, A/10 as the transfer affects outside Head Office / Quarter except by the Respondent No. 2. However, in the interest of service and as a Loyal to the Government the applicant followed without any protest or objection

Annexure A/10 is the copy of the transfer order dated 28.9.93.

... (8) That

MK

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

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

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

... Manager, Telecom (A)

MD

Manager Telecom (Admn) of the office of the Respondent No. 2, No. STB/TE-11/Pt-III/80, Dated at Shillong the 22nd March, 1996 and as such the applicant now becomes the senormost JTO in Manipur Division.

Annexure A/12 is the copy of the  
said officiating Promotion dt. 22-3-96

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

Annexure A/13 is the copy of the said  
transfer order dt. 25-8-95; and  
Annexure A/13(A) is the copy of the  
said follow-up action dt 9-2-96.

.... (11) That

112

(11) That the Respondent No. 3 did not take any steps or kept silent for sending a reliever from Manipur Division because his sweet one would be affected and as such he remain silent. In the meantime the seniormost JTO in Imphal Shri P.B. Singh promoted in the next higher post vide Annexure A/12. The act of the Respondent No. 3 is arbitrary because if he acted immediately according to the order and directives of the Respondent No. 2 in Annexures A/13 and A/13(A) the said P.B. Singh would have gone to Wokha, Nagaland Division as a reliever of the said Rashid Ahmed Shah so he waited and remained silent till the said P.B. Singh has been promoted

12. That in the meanwhile the Respondent No. 3 sent a letter vide letter No. EST/JTO/TFR/96-97/36 Dtd. at Imphal, the 11-4-1996 for a clarification the word 'Station' as there are many stations in Manipur Division or under his Division. In response to the said letter the Assistant General Manager, Telecom (A) of the Office of the Respondent No. 2 issued a letter dated at Shillong the 31-5-1996 under No. STB/ES-3/Tenure/258 addressed to the Respondent No. 3, under the directives of the Respondent No. 2, clarified the matter and directed that "reliever of Shri Rashid Ahmed Shah, JTO working now in Wokha should be relieved by the longest stay J.T.O. in Imphal positively before 07.07.96." as such it is clearly clarified that the 'Station' means 'Imphal' not 'Loktak' where the applicant is posted or working.

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

... (13) That utmost

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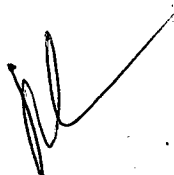
(13) That utmost surprise to the applicant who is waiting for promotion to the higher post as he is the seniormost JTO serving in Manipur Division, against the directives of the Respondent No. 2 the Respondent No. 3 pick-up the applicant who is not the longest stay JTO at Imphal and issued order of transfer vide his letter No. EST/JTO/TFR/96-97/39, Dtd. 10.6.96 and directed to relieve the siad Md. Rashid Ahmed shah with immediate effect.

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

(14) Thati ~~it~~ is humbly submitted that the applicant is not the longest stay JTO at Imphal He is now posted as JTO Bishnupur/Loktak under Bishnupur District of Manipur. There are many JTOs at Imphal who are staying a very long period. It is humbly submitted the applicant remained at Imphal only about one year as JTO (VIP) vide Annexure A/9 dt. 29-8-92 and Annexure A/10 dt. 28-9-93, and as such the applicant is the shortest JTO at Imphal. Keeping Longest stay JTOs at Imphal and picking-up the applicant who is now at Loktak/Bishnupur is the arbitrary and mala-fide act of the Respondent No. 3.

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

..... submitted that th



submitted that the transfer is nothing but done with mala-fide intention so that the applicant may not be promoted who has already qualified as submitted above. So far the applicant remain silent and followed the directives of the Respondent No. 3 as a Loyal Soldier right from transferring JTO Lamphel to JTO Installations that to JTO/South that to JTO/VIP than to the present posting JTO Bishnupur/Loktak though the Respondent No.3 is not empowered to transfer the applicant beyond the Head quarter.

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

... Annexures



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- 13 -

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

(17)

✓ P & T Manual Volume IV, para 37-A specifically described that

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

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

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

.. thing to say

✓

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

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

"6. One cannot but deprecate that  
frequent, unscheduled and unreasonable  
transfers can uproot a family cause irre-  
parable har to a Government servant

... and drive him



- 15 -

and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and result in hardship and demoralisation. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally."

(18) That it is also submitted that the order is arbitrary and does not involved public issue. The order is not publicly made and has no public effect. It is done on the arbitrary act of the Respondent No.3. It is just a punishment without any fault of the applicant. The applicant made a representation to the Respondent No. 2 and 3 on 14th June 1996.

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

(19) That as the Respondents failed to dispose the Representation of the applicant, even the Respondent No. 3 failed to forward the representation to the Respondent No. 2, the applicant, having no alternative, preferred an application under section 19 of the Administrative Tribunal Act before this Hon'ble Tribunal and the sam was registered as Original Application No. 113 of 1996. The Hon'ble Tribunal disposed of the case and directed the Respondent Nos. 2 and 3 to dispose of the Representation dt. 14-6-96 (Annexure A/18) within one moth from the receipt of


the Order of the

the Order of the Hon'ble Tribunal passed in the said case vide order dated 2-7-1996 and meanwhile the impugned order in Annexure A/15 was stayed.

Annexure A/19 is the copy of the said order dt. 2-7-1996.

(20) That the applicant communicated the order in Annexure A/19 to the Respondents No. 2 and 3 along with a continuing representation on 5-7-1996 which may be considered as part of his earlier representation dated 14-6-1996 and it would help to dispose off his representation easily and submitted that the applicant acquired the seniormost serving JTO in Manipur Division and his time-bound promotion to the 'TES' Group 'B' is overdue as the practice of the said promotion is only five years ~~xx~~ service as JTO in the Division is required. There is also no departmental examination and the application has been completing 11 (eleven) years as JTO in October, 1996. It is well known fact that there are about 4 (four) posts of TES Group 'B' are lying vacant in Manipur Division like in Churachandpur, Senapati, Imphal etc. after officiating promotion was given to one Shri P.B. Singh. If at the present stage the applicant is transferred from Manipur Division to another Division like Nagaland Division, his prospect of promotion is bleak and hence it is purely a mala-fide intention denying his promotion. The JTO A(I) union has already submitted that one Shri Jasobanta Singh JTO~~p~~ posted at Nagaland Division who held from Manipur Station may be defeated as reliever of Md. Rashid Ahmed Shan in whose place the applicant has been transferring as reliever.

..... Annexure A/20



-(17):-

Annexure A/20 is the copy of the said continuing representation dated 5-7-1996.

(21) That inspite of ~~the~~ knowing the said facts in Annexure A/19, the Respondent No. 3 caused to release the Applicant by instructing his subordinate office S.D.O.T. and issued a released order dated 3rd July, 1996 (alleging to have signed on 3-7-1996 but actually it was on 9-7-1996) by way of date back, that too the applicant was on leave.

Annexure A/21 is the copy of the said release order dt. 3-7-1996.

(22) That the applicant made a representation dated 15th July, 1996 to cancel the order in Annexure A/21 on the ground that it was purely a contempt of the Hon'ble Tribunal as it was passed after order was communicated to the Respondent No. 3 and it was date back etc. and as such the intetion was a mala-fide one and moreoever it could not be existed as the same was stayed by the Hon'ble Tribunal.

Annexure A/22 is the copy of the said representation dated 15-7-1996.

(23) That as the Respondent No. 3 refused to cancel the order in Annexure A/21, the applicant was forced two petitions one for quashing the order in Annexure A/21 and one for Contempt. The Tribunal registered the same

~~as O.A. No. 129 of 1996 and C.P. No. 22 of 1996 Ref : O.A. No. 113 of 1996 respectively. The Hon'ble Tribunal~~

as O.A. No. 129 of 1996 and C.P. No. 22 of 1996 Ref :

O.A. No. 113 of 1996 respectively. The Hon'ble Tribunal

.... directed the

h

directed the respondents to show cause as to why the application should not be admitted and the relief sought allowed in respect of the O.A. No. 129 and in respect of the C.P. No. 22 of 1996 the Hon'ble Tribunal directed the respondent No. 3 and another contemnors to show cause as to why contempt proceedings should not be initiated against them for wilful disobedience of the order stated above vide orders dated 23-7-1996 fixing 29-8-1996 for their show cause.

Annexure A/23 is the copy of the order dt. 23-7-1996 passed in O.A. No. 129/96; and

Annexure A/24 is the copy of the order dt. 23-7-1996 passed in C.P. No. 22/96.

(24) That on receiving the notice from this Hon'ble Tribunal, the Respondent No. 3 caused to issue a letter dated 14-8-1996 under No. E-13/IPT/96-97/1 to the extent that in pursuance of the order of this Hon'ble Tribunal, the order in Annexure A/21 is kept in abeyance till further orders. That after thought and after receiving the notice for contempt of Court, the respondent again caused to issue another order on the same date vide No. E-13/IPT/96-97/13 to the extent that the order in Annexure A/21 may be treated as Cancelled.

Annexures A/25 and Annexure A/26 are the copies of the said order/letters.

... (25) That the




(25) That the applicant was communicated by the Respondent No. 3 that the representation of the applicant dtd. 14-6-1996 and ~~for~~ 5-7-1996 have been forwarded to the circle office only on 26-7-96 Vide Order No. Est/JTO/-2/TFR/3 dtd. at Imphal, the 26-7-96 .

Annexure A/27 is the copy of the said letter dtd. 26-7-96.

(26) That the Asstt. Director office of the Telecom District Manager Imphal communicated a letter from the Respondent No. 2 addressed to the Respondent No.3 issued on 23.8.96 to the exten that "The representation of Shri M. Samarendra Singh, JTO, Bishnupur under TDM, Imphal dated 14.6.96 has been examined and it is intimated that the above transfer order issued to the official under letter No. EST/JTO/TFR/96-97/39 dated 10.6.96 issued by TDM, Imphal transferring him from Bishenpur/Loktak in Manipur SSA to Wokha in Nagaland SSA is justified as being the longest stay JTO under TDM, Imphal in Manipur SSA". vide letter No. STB/ES-3/TENURE/XI/265 .dtd. at Shillong the 22nd August 1996 to the applicant.

Annexure A/28 is the copy of the said letter dtd. 22nd August 1996.

.. (27) That it is



✓ (27)

That it is humbly submitted that the letter in Annexure A/28 is nothing but purely a mala-fide one issued in collusion with the Respondent No. 3. It uses the word 'Longest stay JTO under TDM, Imphal in Manipur.' which are against the earlier stipulated conditions in Annexure A/13 (the Longest stay JTO at the station) and clarification in Annexure A/14 (the Station longest stay JTO at Imphal) and as such it is purely an improved one in order to suit the applicant by any how or by any means so that the applicant may be transferred from Manipur Division to Nagaland Division. Annexure A/28 is also silent the grounds of representation of the applicant in respect of the Longest JTO Imphal, his promotional prospect, dislocation of the family and the instructions of Government of India and as such the Respondents admitted that the transfer order in Annexure A/15 and disposal of representation in Annexure A/28 are issued mala-fide so that the future promotional which is already due to the applicant may be denied and his other dislocation etc. otherwise the respondents would have given the legitimate order of transfer. The respondents have no answer to the claims and submissions of the applicant in his representations and as such the present transfer order is nothing but purely a mala-fide one which deserves the interference of this Hon'ble Tribunal and it deserves to be quashed.

(28)

That it is submitted that the transfer is against the directives of the Government of India's instructions mentioned in the representation

... Annexure A/18

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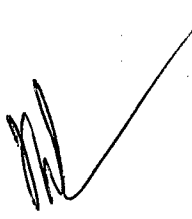
Annexure A/18 above dated 14/6/1996 , and Annexure A/20 above dt. 5/7/1996 and also against the P & T Volume as submitted in paragraph No. 6(17) above. It is humbly submitted that the notification of the Government of India is a law vide Shanti Kumar Gangli V State of Tripura, reported in (1982) 1 Gauhati Law Reports at page 211.

(29) That so far the released order of the applicant is not yet affected because of the stay order of the Hon'ble Tribunal and it is expected that he will be released any moment and as such status-quo of the applicant or stay of the operation of the order in annexure A/15 is necessary.

(30) That being aggrieved by the order at Annexure A/15 and A/28 aforesaid, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

7. That the applicant declares that he has availed of all the remedies available to him under the relevant service rules. The applicant made a representation to the respondent No. 2 and 3 through proper channel on 14-6-1996 (Annexure A/18) and also on 5/7/1996 (Annexure A/20) for review or stay the the said transfer order mainly on the grounds that :

... (a) the applicant



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

✓ (b) the transfer order is mala-fide and arbitrary and is against the directives and stipulation in Annexures A/13 and A/14 as the applicant is not the longest stay JTO at Imphal ;

✓ (c) The transfer order is against the directive of the P & T Manual and also against the Govt. of India's decision which is a law. Annexure A/18 is the said representation.

✓ (d) The transfer order is a mala-fide one in order to deny the prospect of Promotion which is already due and above four vacancies of the higher promotional post lying vacant. Annexure A/20 is the said continuing representation.

Inspite of the said representation laying the said facts the respondent disposed of the representation of the applicant without giving any reason whatsoever only stating that the transfer order is

..... justified

✓

justified thout giving any reasons as to why and how the transfer order is justify and as such the transfer order is purely Mala-fide.


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

8. That the applicant further declares that he had not previously filed any application, Writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, Writ ~~petition~~ 2 petition or suit is pending before any of them, except the cases mentioned above.

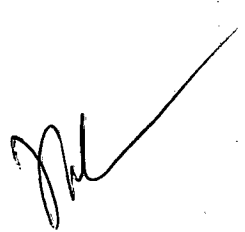
9. That in view of the facts mentioned in para 6 above the applicant prays for following relief(s):-

- (a) to admit the application,
- (b) to call for the records,
- (c) to issue notice on the respondent No.3 why the transfer /order No. EST/JTO/TFR/96-97/39, dated Imphal 10-6-1996 (Annexure A/15) should not be set aside by this Hon'ble Tribunal,
- (d) upon hearing the parties to set aside by ~~this Hon'ble~~ the impugned order (Annexure A15) on amongst other grounds given below, and
- (e) cost of the application or case.

... G R O U N D S



G R O U N D S

- (I) FOR THAT transfer of the applicant to a distance place who is a low paid employee the power seems to be meant to be sparingly exercised under some compelling exigencies of particular situation and not as a matter of routine. It if were literally exercised, it will create tremendous problems and difficulties in the way of the applicant who is getting small pay;
- (II) FOR THAT transfer of the applicant cannot be said routine and bona-fide but only colourable exercise;
- (III) FOR THAT the transfer order is mala-fide as it passed in order not to get promotion of the applicant in the higher post so that other juniors may get the higher post as the applicant is transferring to other Division outside Manipur Division;
- (IV) FOR THAT the transfer order is not involved public interest as it is passed with extraneous purposes in the garb of ostensible purpose of public interest;
- (V) FOR THAT transfer affects to a lowly paid employee and also without his consent and mala-fide intentions;
- (VI) FOR THAT the transfer order is arbitrary,  
... mala-fide
- 

malafide and passed with ulterior motive against the directives of the Respondent No. 2 and also without any reasonable excuse;

(VII) FOR THAT there is no reason for transferring the applicant to other places as his service at Loktak/Bishnupur or Manipur Division is Very much required;

(VIII) FOR THAT if the applicant is to proceed on transfer to a remote place like Wokha, he can proceed <sup>w</sup>ith his whole family and his school going children will be dislocated and there shall be irreparable loss;

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

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

TO STAY the operation of the order at Annexure A-15 with a direction to the respondent No. 3 not to ~~xxx~~<sup>2</sup> relieve the applicant. As submitted in para No. 6 and 9 above, the applicant is unable to move or to proceed on transfer, therefore, if the operation of the impugned order is not stayed as prayed for the applicant shall suffer an

.. irreparable loss

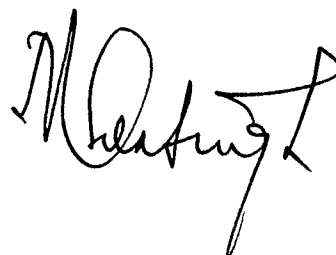
102

- 26 -

irreparable loss which cannot be adequately compensated in money.

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

Signature of the applicant



.. VERIFICATION

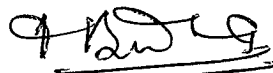
V E R I F I C A T I O N

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

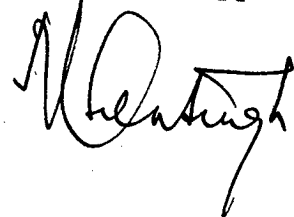
Dated: 27-8-1996

Place: Imphal.

Drafted and settled by :

  
Advocate

Signature of the applicant



To

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

-285-

Amesure A/1  
709

INDIAN POSTS AND TELEGRAPH DEPARTMENT

OFFICE OF THE DIVISIONAL ENGINEER TELEGRAPH : NAGALAND;

H.Q. DIMAPUR - 797112

No. E-101/P.I/95

Dated at Dimapur the  
2nd February '77

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

Sl No.	Names	Date of appointment
1.	Shri Ashok Kanti Gupata	9.4.74
2.	" D. Chakravorty	9.4.74
3.	" Bapu Ram Boro	13.7.74
4.	" A. Deka Baruah	16.7.74
5.	" Pradip Kanti Dev	11.7.75
6.	" Hari Pada Majumdar	11.7.75
7.	" H.R. Bhattacharjee	11.7.75
8.	" Jyotirmoy Das	11.7.75
9.	" Subhash Ch. Paul	17.7.75
10.	" M Samarendra Singh	12.4.76

The terms of the appointment are  
as follows :-

.... 1. The Post

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

Sd/- 2/2/77

Divisional Engineer Telegraphs  
Nagaland

H.Q. Dimapur - 797112

Copy to :-

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

Sd/- 2/2/77

Divisional Engineer Telegraphs Nagaland  
H.Q. Dimapur - 797112

*Mul*

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Amear H/2

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

No. STB-1/TE-Trainee/Posting Dated at Shillong,  
the 15th Oct., 1985

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

1. - - - - -
- tp
5. - - - - -
6. Shri M.S. Singh, under D.M.T. Gauhati.
7. - - - - -
8. - - - - -

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

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

Copy for information and necessary action to :

- - - - -  
- - - - -

10. Trainees concerned.
11. Spare

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

Sd/- illegible 15/10/85  
FOR GENERAL MANAGER TELECOM N.E. CIRCLE  
SHILLONG - 793 001

*[Handwritten signature]*

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(112)  
Annexure A/3  
Annexure A/3

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

No. TC/TI/3510/JE M010

Dated at Jabalpur,  
the 18/10/85.

Sub :- Strike off Junior Engineer  
Trainees of Category-II Strowger  
Modular Course Batch No. M010.

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

On successful completion of 37 weeks  
theoretical training in strowger Modular Course at  
Telecom. Training Centre, Jabalpur-482006 the Junior  
Engineer trainees of Category-II Strowger Modular  
Course Batch No. M010 as shown in the annexure 'A'  
are hereby struck off with effect from the afternoon  
of 18/10/85, with orders to report to the officers  
concerned mentioned against their names.

Encl: Annexure 'A'

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

Copy to :-

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.... ANNEXURE 'A'

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ANNEXURE 'A'

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

Dated at Jabalpur  
the 18/10/85.

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

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

Unit of Rectt : N.E. Circle

22. B.C. Baishya	A.E. Carrier Tezpur	D.M.T. Gauhati
23. M. Samarendra Singh	SDOT Imphal	-do-
24. T.K. Bose	JE Phones Gossalgao	AE OSD Gauhati
25. Binay Bhushan Malakar	SDOT Agartala	Director Telecom Agartala

Sd/-  
(G.M. PRASAD)  
ACCOUNTS OFFICER (TRG)  
FOR G.M. TTC., JABALPUR-6

Sd/- illegible 17/10

ml

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- 33 -  
- 44 -

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Measure 1/3 (9)  
Measure 1/3 (9)  
(114)

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE DIRECTOR TELECOM, IMPHAL.

No. EST/JE-1/Trg/374 Dated at Imphal, the 19th Nov '85

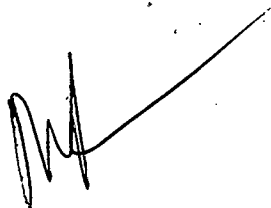
In pursuance of G.M.T. Shillong No. STB-1/JE-  
Training/Posting dated 15.10.85, Shri M. Samarendra Singh,  
J.E. Trainee on ~~successful~~ successful completion  
of J.E. training is hereby transferred and posted under  
D.M.T. Gauhati. The official stands struck off from the  
forenoon of 19/10/85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

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

Copy to :

- 1) - - - - -
- 3) - - - - -
- 4) The Official concerned.
- 5) - - - - -
- 7) - - - - -

Sd/-  
For Director Telecom  
Imphal- 795 001



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15

Department of Telecommunication  
Office of the District Manager Telephones, Guwahati.

No. DMT/EST-2/T&P/L/85-86/10  
dated at GH, 29-10-85

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

Sd/-

(B.K. Deori)  
Divisional Engineer(P&A)  
O/o the D.M.T. GH.

Copy to :-

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

Sd/-  
P.A. (E)

O/o the D.M.T/GH

M

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Annexure A/S (1165)  
Annexure A/S

INDIAN TELECOMMUNICATIONS DEPARTMENT  
OF THE GENERAL MANAGER. TELECOM. N. E. TELECOM  
CIRCLE: SHILLONG-793001.

No. STB/ES-3/Tennure/VII

Dt. at Shillong the 2/1/'86.

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

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

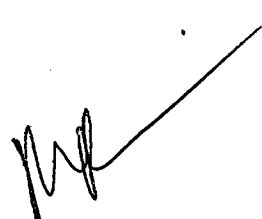
The transfer of Shri N.P. Dutta J.E. is in partial modification of this office memo of even no. dt. 8-7-85.

Shri N.P. Dutta will move first.

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

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

...3.. Shri... (2)..



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-(2):-

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

Shri H.S. Sing will move first.

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

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

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

sd/-  
(S. Ramenjam)  
Asstt. General Manager Telecom  
(SF) For General Manager Telecom  
Shillong.

Copy for information and necessary action to :-

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

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

MS



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- 37 - 48 -  
Ameam W/B  
Ameam W/B  
(118)

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

No. Est/JE-2/TFR/215

Dated at Imphal, the  
3rd Feb. '86.

In pursuance of G.M.T. Shillong order  
contained in STB/JE-3/Tenure/VII dated Shillong  
2-1-86 Shri M. Somarendra Singh J.K. on transfer  
from Gauhati Telephone District has joined into  
this Area on the forenoon of 27-1-86 vice Shri  
S.R. Mukherjee, J.E.(Phones), Lamphel pat,  
transferred and posted under D.M.T. Gauhati and  
has been posted as J.E.(Phones), Lamphelpat.

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

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

Sd/-  
( J.N. LAI )  
Asstt. Director Telecom  
for Director Telecom Imphal-795001.

Copy to :-

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

A sstt. Director Telecom  
For Director Telecom Imphal-795001.

112

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-429-

Annexure A/10

Annexure A/7

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE DY. GENERAL MANAGER, TELECOM/IMPAL

No. EST/JTO-2/TFR/126

Dtd. at Imphal 12.4.90.

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

- 1) Shri M. Somarendra Singh, JTO Lamphel Exchange is posted as JTO Installation and Maintenance of C-DOT Exchange. He will work at Tamenglong with Shri Das, JTO, Task Force at Imphal and will learn the Installation of C-DOT Exchanges.
- 2) Shri D. Purkayastha, JTO cable is posted as JTO Lamphel vice Shri M. Somarendra Singh. Shri D. Purkayastha will deal out-door & In-door plant of Lamphel Exchange.  
  
Shri D. Purkayastha will joint first as JTO Lamphel.
- 3) Shri R.K. Debnath, JTO will work as JTO (Cable) under SDOP/Imphal vice Shri Purkayastha, JTO cable transferred.

... The official. (2).

*[Handwritten signature]*

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-(2):-

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

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

Copy to :-

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

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

MS

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Annexure A/8  
Annexure A/8

(121)

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

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

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

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

Sd/-  
( C.K. Deb)  
Asstt. Director Telecom.  
For Telecom District Manager, Imphal.

Copy to :-

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

... 2).. The..(2)..

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-(2):-

- 2) The ADOT/Imphal. He is requested to release Shri M. Somarendra Singh, JTO immediately.
- 3) - - - - -
- 4) - - - - -
- 5) - - - - -
- 6) P/F of Sri M. Somarendra Singh JTO.
- 7- 8) - - - - -
- 9) - - - - -

Sd/-

For Telecom District Manager,  
Imphal- 795001.

MS

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Homesure 11/9  
(123)

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. Est/JTO/TFR/

Dtd. at Imphal, 29.8.92.

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

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

Sd/-  
( C.K. DEB)  
Asstt. Director Telecom.  
For Telecom District Manager, Imphal.

Copy to :-

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

For Telecom District Manager,  
Imphal- 795001.

ML

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Amearp A/10  
Amearp A/10  
(124)

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. Est/JTO-2/TER/253 Dtd. at Imphal, 28.9.93

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

Charge report may be sent to all concerned.

1. -----
- ✓ 2. Shri H. Sumerendra Singh JTO (VIP) under SDPP/ Imphal is transferred and posted at Bishunupur under SDOT/Imphal with Headquarter at Bishunupur vice Shri S. Dholendra Singh, JTO, Bishunupur.

3. -----
- to
10. -----

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

(K.G. Singh )  
Asstt. Director Telecom  
For Telecom District Manager, Imphal.

contd..3..

MS

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Ameau A/11  
(125)

DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL-795001.

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

Dated at Imphal  
the 4th Oct. '95.

To,

Shri G.N. Ghyne.

Assistant General Manager (A)

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

Shillong- 793 001-

Sub :- Option for officiating  
in TES Group 'B' from JTOs.

Kindly find enclosed herewith an application  
received from the JTOs are given below. They have  
option for TES Group 'B' from JTOs.

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

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

Encl: A/A

Sd/-  
(A.P. MAJHI)  
For Telecom Dist. Manager Imphal-795001.



-40-  
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12  
Domevur 12/12  
Domevur 11/12

DEPARTMENT OF TELECOMMUNICATION

OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,  
N.B. CIRCLE, SHILLONG-793 002

No. STB/TE-11/Pt-III/80      Dated at Shillong the  
22nd March, '96.

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

Sl.No.	Name	Present place of posting	Post of officiating arrangement.
1.	Shri S. Bhattacharjee	JTO Roing	SDS(Group)Roing
2.	" S.H. Shob	JTO Tawang	SDS(Group)Tawang
3.	" P.B. Singh	JTO Imphal	SDS(Group)Imphal
4.	" S.K. Bhownick	JTC Dimapur	SDOT(Dimapur vide Shri S.K. Mitra

The Officiating promotion of the above men-  
tioned officials is purely temporary and will stand  
automatically terminated and reverted on expiry of  
180 days or on joining of regular incumbents of the  
posts or specific orders issued by the officer or  
any competent authority whichever is earlier. The

... The...(2).

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-41-  
-46-  
-57-  
(127)

-1(2):-

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

Necessary charge report may be sent to all concerned.

SD/-

( G.R. Chyne )  
Asstt. General Manager, Telecom  
( M, B )  
O/O the Chief General Manager Telecom,  
N.E. Circle Shillong-793 001.

Copy to :-

1. The Director General Telecom (SIG-II)  
T.C. HQ, Concha Bhausa, New Delhi.
2. Senior P.A. to CGMT/GM(D), Circle Officer Shillong.
3. DGM(A)/DGM(P)/DFA/AGM(E)/DE Inst/V.O./C.O. Shillong.
4. DM Manager/Dinapur/Imphal.
5. A.O.(MRP)/A.O.(A) C-0 Shillong.
6. P/E of officials.
7. Hindi Translator.
8. Spare.

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

—————

me

-42- *Amearce H/108*  
-47- *Amearce H/13*  
-58-

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,  
H.E. CIRCLE, SHILLONG- 795001.

No. STR/29-3/Tenure/XI      Dated at Shillong,  
the 26.8.95.

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

1.      Shri B.C.Paul JTO/Kohima is now trans-  
ferred and posted under TDM/Agartala vice longest  
stay JTO at the station who stands transferred  
and posted to Aizawl.
2.      Shri M.H. Dutta, JTO/Aizawl is now  
transferred and posted under TDM/Agartala vice  
second longest stay JTO at the Station who stands  
transferred and posted to Aizawl.
3.      Shri B.C.Das, JTO/Saiha is now trans-  
ferred and posted under TDM/Agartala vice third  
longest stay at the Station who stands trans-  
ferred and posted to Saiha.
4.      Shri B.B.Meikar, JTO/Zunheboto is now  
transferred and posted under TDM/Agartala vice  
fourth longest stay JTO at the Station who stands  
transferred and posted to Zunheboto.

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

*M*

- 43 -  
- 48 - 89 -  
(129)

-(2):-

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

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

7. Shri Reshid Ahmed Shah, JTO/Wokha is now transferred and posted under TDM/IP vide first longest JTO at the Station who stands transferred and posted to Wokha.

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

9. Shri D. Laskar, JTO/Tura is transferred and posted under TDM/Tura is transferred and posted under TDM/Agartala. Substituted to be posted by TDM/SM.17ong.

--- 3) ---

72

-44-

-60=48-

(130)

3(2):-

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

Sd/-  
(SH. HAJAW)  
AGMT (AGMT)  
for Chief General Manager Telecom,  
N.E. Circle Shillong.

Copy to :-

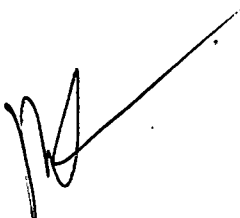
1-6 TDM/AGT/AZL/DMP/DP/ITN/SH

7. A.O.(T) C.O. Shillong

8. Circle Secretary JETFA(I)

9. A.E. E-IOB Shillong-793001.

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



1300  
—5045—  
—61—  
Ameaw - A/13(A)

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGERS NE CIRCLE  
SHILLONG- 793 001

No. STB/ES-3/Tenure/XI

Dated at Shillong,  
the 9th Feb. '96.

To,

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

Subj: - Tenure transfer Case  
of JTOs.

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

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

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

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

1300

-46-  
~~582~~ -51- (132)  
-62-

:- (2) :-

<u>Sl.No.</u>	<u>Name of JTOs</u>	<u>Present station of working</u>
5.	Shri D.K. Deb	JTO Kohima
6.	" M.N. Mazumdar	JTO Kohima
7.	" Rashid Ahmed Shah	JTO Wokha
8.	" A.K. Sen	JTO Alzawl
9.	" D. Leskar	JTO Tura

-----

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

-----

*MR*

- 52 - 47 - Annexure A/133  
- 63 - Annexure A/14

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

No. STB/RS-3/Tenare/258 Dated at Shillong the 31-5-96

To  
The T.D.M., Imphal.

Subj: - Tenure Transfer of JTOs

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

Dtd. at Imphal, the 11.4.96 //

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

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

29/8/96  
MS.

(a) Malafide

25.8.95

My name not included

"longest JTO at the Station"

He was P.B. Singh - he was to get promotion till his promotion 22-3-96.

This order not implemented

Had this been implemented, P.B. Singh would have

and this order 31-5-96 would not have fallen on applicant.

31.5.96 - "longest stay in Imphal" - I was not posted in Imphal at that time. But in Loktak

I am senior most in H.M. Div, so they have transferred me out of the Div. Sincely to deprive me of my promotion to vacant post - 4 vacant posts.

(b) Violation of their own rule 37-A of R & T Manual - they had implemented only vide order 10.6.96

(c) Intentional malafide by order dated 22/8/96 they manipulated by the words - "..." which are not different from intention in earlier orders.



- 48 -  
- 53 - 64 -  
Annexure H/134  
Annexure H/115

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE TELECOM DISTRICT MANAGER, IMPHAL

No. EST/JTO/TFR/96-97/39

Dtd. 10.6.96.

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

Necessary TA/DA may be applied  
if required.

Sd/-  
Telecom District Manager,  
Imphal- 795001.

Copy to :-

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

Shri M. Somarendra Singh JTO  
C/O the SDOE/Imphal.

... 6...(2).

*Attest*  
*[Signature]*  
28/8/96  
M. Bimol Sharma  
Advocate  
Nagamapal, Singinbung Leirak  
Imphal.

-54-49-  
-65=

135

-1(2)-

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

Sd/-

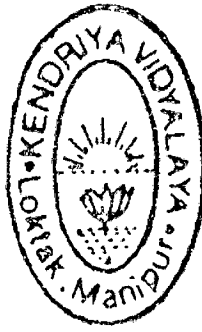
(DAVID HASSA )  
Asstt. Director Telecom,  
for Telecom District Manager,  
Imphal- 795001.

*Attest*  
*91508*  
*97/8996*

M. Bimal Sharma  
Advocate  
Nagawapal, Sangjibang Leirak  
Imphal.

Phone : ( 61 - local )  
( 203 - P & T )

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



50  
आम १३/६ १६  
इरभाष : ८१ स्थानीय  
२०८ डाक-तार विभाग

केन्द्रीय विद्यालय लोकताक

लोक्ताक जल विद्युत परियोजना  
विद्युत-विहार, कोम-कैरुप  
मणिपुर-७९५१२४  
— ११६ —

Ref. No./संदर्भ संख्या.M.A./KV-LOK/96-97/143 Date/तिथि....17-6-96.....

READING CERTIFICATE

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

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

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

SD/JALAL

Principal/प्रधानाचार्य  
• • • Kendriya Vidyalaya Loktak H.B. Project  
केन्द्रीय विद्यालय लोकताक जल वि० परियोजना  
मणिपुर (MANIPUR) - 795124

- 565 - *Assure H/17*  
*Assure H/17*  
- 67 - (137)  
OFFICE OF THE BAL VIDYA MANDIR  
LOKTAK HE PROJECT, MANIPUR

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

Dated: 17.06.96

WINNING CERTIFICATE

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

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

*Ch. Narayani Devi*  
( Mrs Ch. Narayani Devi )  
Incharge- Bal Vidya Mandir  
Loktak HE Project: Manipur

—

*N*

To

- 18
- 57-52-  
-68-  
Amexu 18  
Amexu 18
1. The Chief General Manager,  
North-Eastern Circle,  
Shillong.
2. The Telecom District Manager,  
Imphal.
- (138)

Imphal, the 14th June, 1996

THROUGH PROPER CHANNEL

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

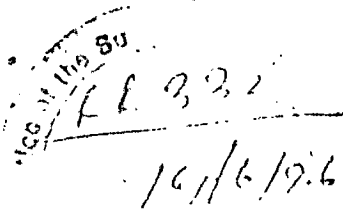
Representationist : Shri M. Samarendra Singh,  
J.T.O., Bishnupur/Loktak,  
Manipur, resident of  
Khangabok Awang, Part-I,  
Thoubal District, Manipur.

Sir(s),

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

1. That I joined in the Telecom Department as Phone  
Inspector on 12th April, 1976 at Kohima, Nagaland State and  
stayed for about two years. Then I was promoted to J.T.O.  
and joined on 28th October, 1985 at Gauhati, Assam after  
serving as Phone Inspector at Imphal. Thereafter, I was  
transferred to Lamphel, Manipur Division. After serving  
for about 4 years, I was transferred as J.T.O. Installation  
and Maintenance of C-Dot Exchanges at Tamenglong and entire  
Manipur.

.... 2. That



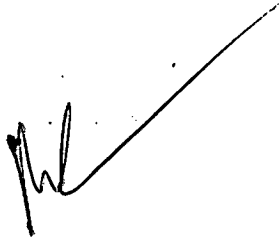
M

2. That thereafter I was transferred to as J.T.O., South but it was cancelled and later again transferred as J.T.O., WIP, Imphal and remain as JTO(VIP) for about 1 year then I have been transferred at the present J.T.O., Bishunpur/Loktak, in Bishunpur District of Manipur and I joined in the month of December, 1993 and as such I have been always on the run whereas many JTOs of this Imphal Division or Manipur Division have not been disturbed for many years together.
3. That my home town is at Khangabok Village under Thoubal District of Manipur State. At present I am occupying a quarter belonging to N.M.P.C., Loktak and my two school going children are reading in Central School and Bal Vidya Mandir at Loktak in Class-I and Nursery respectively. The Sessions of the said two Schools were already started in the month of April, 1996. At the present moment if I am to be moved and joined at Wakha, the prospects of my children will be ruined or spoiled because there is no Central School at Wakha, the present transferred place in Nagaland. Moreover, there is no Central School at my home town at Khangabok or in Thoubal District. The Bal Vidya Mandir is run by the NHPC and as such except in the said Loktak area there is no other School any-where, hence, it will create problem as I have to leave the quarter at Loktak.

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

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

... I humbly



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

4. That the order of the Chief General Manager Telecom Shillong vide letter No. STB/ES-3/Tamura/253, dated, Shillong, the 31st May, 1996 specifically mentioned that "Shri Rashid Ahmad Shah JTO Working now in Wakha should be relieved by the Longest Stay JTO in Imphal."

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

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

.... 0.

6: That it is a fact that the tenure transfer order of Md. Rashid Ahmad Shah issued about 5 months ago, however, it was not implemented because if it was implemented the then Longest Stay as JTO in Imphal as well as the Senior most in Manipur Division would have been affected. After the Senior most JTO in the Division has been promoted to the next higher post only ~~recently~~ recently, the transfer order is implemented by picking-up me only. Still I am not the Longest Stay JTO in Imphal and still there are many Longest Stay JTOs at Imphal. Picking-up me is nothing but purely an arbitrary and mala-fide act.

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

... U.





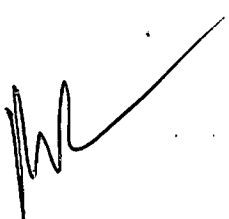
8. I may draw your kind attention to the following Government of India's decision vide Govt. of India Ministry of Home Affairs in consultation with the Ministry of Law issued under Memo No. 75/55 Hsta(1), dated the 24th March, 1965 (sic) (1955) in respect of transfer that :

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

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

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

.... A LEO M's



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-73-  
(143)  
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also his dependents. This may well be a  
serious hardship, especially to the low paid  
employees."

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

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

Yours faithfully,

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

Copy to :

Advanced copies to the  
Addressees.

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

*M*

-63-

Annexure A/19

(14h)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: : : : : GUWAHATI  
ORIGINAL APPLICATION NO.113 OF 1996.

Sri M.S.Singh

...  
Versus  
...

Applicant.

Union of India & Ors.

Respondents.

- P R E S E N T -

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)

For the Applicant: Mr. M. Bimal Sharma, Advocate.

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

2.7.96

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

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

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



*[Handwritten signature]*

2.7.96



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

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

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

Sd/- MEMBER(A)

Mem. No. 2174

Dated 18/7/96

Copy for information and necessary action to :

- ✓ 1. Shri H. Samarendra Singh, Junior Telecom Officer, Loktak, Manipur, Department of Telecommunication.
2. The Chief General Manager, North Eastern Circle, Shillong, Department of Telecommunication, Shillong - 793 001, Meghalaya with a copy of application in O.A.113/96.
3. The Telecom District Manager, Department of Telecommunication, Imphal - 795 001, Manipur with a copy of application in O.A.113/96.
4. Mr. S. Ali, Sr. C.G.S.C. for the Union of India, with a copy of application in O.A.113/96.
5. Mr. H. Bimal Sarma, Advocate, Gauhati High Court.

Encls : As above.

18/7/96  
SECTION OFFICER(J).

*Me*

9c

-65-

Ameswari H/20 (146)

To

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

Imphal, the 5th July, 1996

THROUGH PROPER CHANNEL

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

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

Sir(s),

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

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

.... Hon'ble Tribunal

411  
5/7/96  
5/7/96  
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:(2):=

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

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

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

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

.... 3. That



-67-

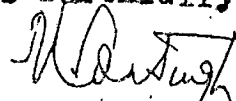
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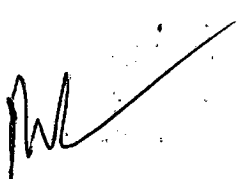
3. That another point may also be considered that JTO A(I) Union has already submitted that one Shri Jasobanta Singh JTO posted at Nagaland Division who held from Manipur State may be treated as reliever of Md. Rashi ~~Ahmed~~ Shah in whose place I have been transferring as reliever.

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

Yours faithfully,



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



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149

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE S.D.O. TELEGRAPHS IMPHAL 795001.

\*\*\*\*\*

No. E-15/PT/96-97/12. Dtd. the 6th July 1996.

Public Release Order

In pursuance of Tm, Imphal letter No. IST/JTO/TM/96-97/12 dt 10/6/96, Shri N. S. Chandra Singh, JTO is hereby relieved from the charge of this subdivision with immediate effect with order to report for duty under Tm, Dimapur.

Necessary TA/DA may be applied if required.

( R. S. Singh )  
Sr. SDE Telegraphs, Imphal.

Copy to:-

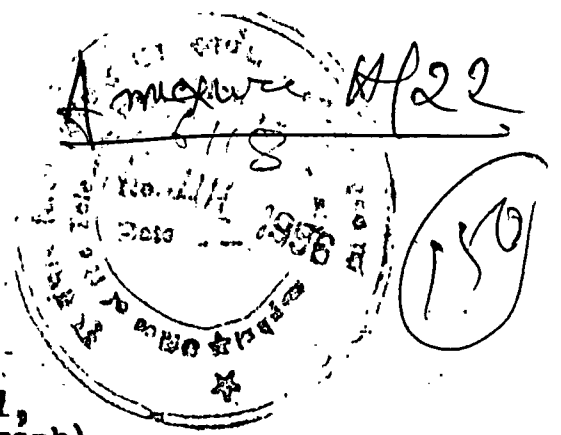
1. The Tm, Imphal. 0 for kind
2. The Tm, Dimapur. 0 information
3. The A.O. (Cash) o/o Tm, Imphal. 0 & necessary
4. The official concerned to be requested to hand over the necessary documents if there be to the JTO/Chanchangpur. 0 action.
5. The JTO, Chanchangpur to take over the charge of JTO/Leitch in addition to his normal charge temporarily without any extra remuneration.

( R. S. Singh )  
Sr. SDE Telegraphs, Imphal.

M



-69-



To

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

Imphal, 15 July, 1996

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

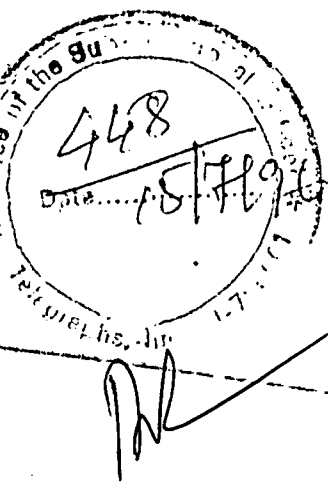
Representationist : Shri M. Samarendra Singh,  
J.T.O., Loktak, Manipur.

Sir,

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

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

.... Tribunal



- 70 -

(151)

-:(2):-

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

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

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

Yours faithfully,

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

Copy to :

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

(M. Samarendra Singh)

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DA No. 129/96 -71- Annexure #23  
MP. No. (CA)  
RA No. (JA)  
G. No. (UJ)  
(152)

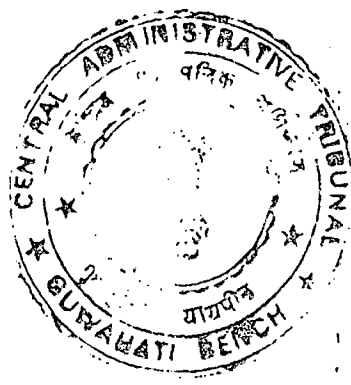
Shri M. S. Singh, JTO APPLICANT(S)  
Union of India & ors. RESPONDENT(S)  
Mr. M. B. Sarma Advocate for the applicant.  
Mr. S. Ali & ors. CSC. Advocates for the Respondents.

Office Notes Court's Orders

23.7.96

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

12



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

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

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-72-

O.A.No.129/96

153

23.7.96



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

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

Sd/- MEMBER (ADMN)

Certified to be true Copy

প্রমাণিত প্রতিলিপি

COURT OFFICES

Central Administrative Tribunal

Guwahati Bench, Guwahati-8

গুৱাহাটী ন্যায়পীঠ, গুৱাহাটী-৮

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Amesbury #24

Mr. M. S. Singh

APPLICANT(S)

Eni K. J. Lings & Another

RESPONDENT(S)

Mr. M. B. Larson, ...advocate for the applicant.

Mr. Lee, Jr. 1984 ... Advocate for the Respondents.

27 / Court's Orders

23.7.96

Learned counsel Mr M.B. Sarma  
for the contempt petitioner.

The contempt petitioner is an applicant in O.A.No.113/96 which was disposed of with directions on 2.7.96. This contempt petition has been submitted on the alleged violation of the order dated 2.7.1996 passed in O.A.No.113/96 by the alleged contemnors.

Issue notice by registered post on the alleged contemnors to show cause as to why contempt proceedings should not be initiated against them for wilful disobedience of the order of this Tribunal passed on 2.7.1996 in O.A.No.113/96. Returnable on 29.8.96.

List for further orders on  
29.8.96.

Sd/- MEMBER (ADMN)



Certified to be true Copy

प्रसाधित प्रतिलिपि

COURT OFFICER

અધિકારી

**Central Administrative Tribunal**

केन्द्रीय प्रशासनिक अधिकरण

Guwahati Bench, Guwahati-8

गुवाहाटी न्यायपीठ, गुवाहाटी-४

-74-      Ampana H/25

(155)

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

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No. EST/JTO/TFR/96-97/1.

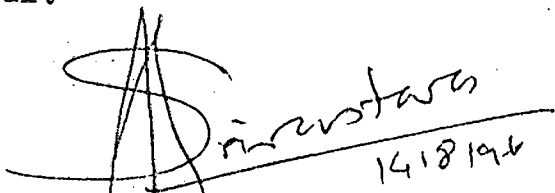
Dated at Imphal, the 14-8-'96.

In pursuance of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati Memo No. 2176 dated 18-7-'96, the transfer order issued vide our letter No. EST/JTO/TFR/96-97/39 dated 10-6-'96 in respect of Shri M. Samarendra Singh, J.T.O., Loktak is kept in abeyance till further orders.

Sd/-  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

- 1) Hon'ble Member (A), Hon'ble CAT, Guwahati Bench, Guwahati - for kind information please.
- 2) The Chief General Manager Telecom., N.E. Telecom Circle, Shillong-793001 - for kind information please.
- 3) The Telecom District Manager, Nagaland Divn., Dimapur.
- 4) The S.D.O.T., Imphal - He is requested to inform the official accordingly.
- 5) The A.O.(TA), O/O CGMT., N.E.T.C., Shillong.
- 6) A.O. (Cash), O/O TDM., Imphal.
- ✓ 7) Shri M. Samarendra Singh, JTO., Loktak.
- 8) The Circle Secy., JTOA (I), MIS Section, O/O TDM., Shillong.
- 9) P/F of the official.
- 10) Spars.

  
Telecom District Manager,  
Manipur, Imphal.

- 75 -

Amurwa #126

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Government of India,  
Department of the Telecommunications,  
Office of the Sr. S.D.E. Telegraphs, Imphal-795001.

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No. E-13/IPT/96-97/13. Dated at Imphal, the 14-8-'96.

Subject :- Cancellation of Release Order.

As Shri M. Samarendra Singh, J.T.O., Loktak is already on duty, the release order issued vide this office letter No. E-13/IPT/96-97 dated 3-7-'96 may be treated as cancelled.

*sf*  
( K. G. SINGH )

Sr. S.D.E. Telegraphs,  
Imphal-1.

Copy to :-

- 1) The Hon'ble Member (A), Hon'ble CAT, Guwahati Bench, Guwahati - for kind information please.
- 2) The Chief General Manager Telecom., N.E. Telecom Circle, Shillong-793001 - for kind information please.
- 3) The Telecom District Manager, Imphal.
- 4) Accounts Officer (Cash), O/O T.D.M., Imphal.
- ✓ 5) Shri M. Samarendra Singh, J.T.O., Loktak - for information.
- 6) Shri Kenneth Chingkhram, J.T.O., Churachandpur - for information.
- 7) P/F of the official.
- 8) Spare.

*K. G. SINGH*  
( K. G. SINGH )

Sr. S. D. E. Telegraphs,  
Imphal-1.

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*M*

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(157)

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Manipur, Imphal-1.

No. EST/JTO-2/TFR/2.

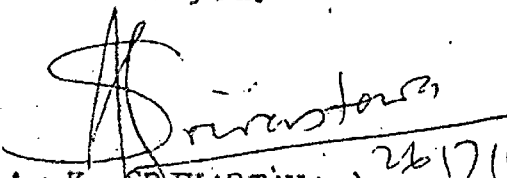
Dt. at Imphal, the 26-7-'96.

To

✓ Shri M. Samarendra Singh,  
J.T.O.,  
Bishenpur.

Sub. :- Your representation dated 14-6-'96 and  
5-7-'96.

Your representation as mentioned above has been  
forwarded to Circle Office vide our letter No. EST/JTO-2/TFR/1  
dated 26-7-'96. Soon after receipt of communication from Circle  
Office, the same will be informed to you.

  
( A. K. SRIVASTAVA ) 26/7/96  
Telecom. District Manager,  
Manipur, Imphal-1.

Copy to :-

 S.D.O.T., Imphal - for information.

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-77-

Amrendra #128

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

NO. STB/ES-3/TENURE/XI/265

Dated at Shillong  
the 22nd August 1996.

To,

The Telecom District Manager,  
Manipur SSA,  
Imphal - 795 001.

Subj:- Representation of Shri M. Samarendra Singh, JTO,  
Bishenpur to cancel his transfer order from Manipur  
SSA to Wokha, Nagaland.

The representation of Sri M. Samarendra Singh, JTO,  
Bishenpur under TDM, Imphal dated 14.6.96 has been examined  
and it is intimated that the above transfer order issued  
to the official under letter No. EST/JTO/TFR/96-97/39 dated  
10.6.96 issued by TDM, Imphal transferring him from  
Bishenpur/Loktak in Manipur SSA to Wokha in Nagaland SSA  
is justified as being the longest stay JTO under TDM,  
Imphal in Manipur SSA.

The official may be informed accordingly.

( G.N. CHYNE )

Asstt. General Manager (Admn)  
for Chief General Manager  
N.E. Telecom Circle, Shillong.

Copy to :-

1. Shri M. Samarendra Singh, JTO through TDM, Imphal

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

Enclst No EST/J.T.O/TFR/96-97 Part 1/54 dt 23.8.96

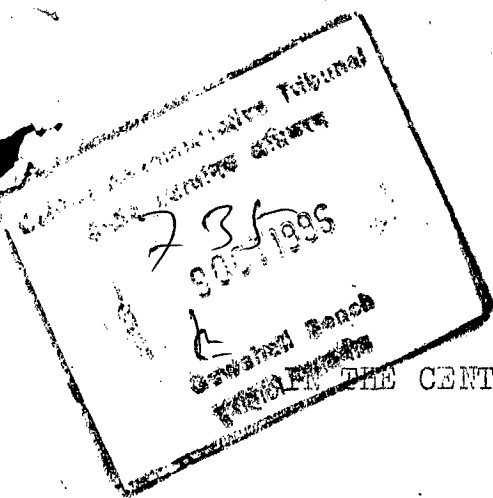
To Shri M. Samarendra Singh J.T.O Loktak

Copy of the fax received from CO Shillong is hereby forwarded  
to Shri Samarendra Singh J.T.O. Loktak for information pl.  
The original letter will be handed over soon after receipt from CO Shillong pl.

*[Signature]*  
M. B. Singh  
Asstt. Secy

Nagamesal, Singjabung Leirak  
Imphal.

*[Signature]*  
23/8/96  
Asstt. Director.  
D/o. Telecom. District Manager  
Imphal - 795001.



28 159

7/13 by Gopal Kumar  
Additional Central  
Secy. Standing Committee  
Central Administrative Tribunal  
Guwahati Bench  
9/10/96, Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A.No.184/96

Shri M.S.Singh ... Applicant.

-Vs-

Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Written Statement on behalf of  
the official respondents.

I, Shri C.Murmu, Vigilance Officer,  
in the office of the Chief General Manager, North  
Eastern Telecom Circle, Shillong do hereby solemnly  
affirm and declare as follows :-

1. That a copy of application alongwith an  
order passed by this Hon'ble Tribunal have been  
served upon the respondents and myself being authorised  
to defend all the official respondents before this  
Hon'ble Tribunal, I do hereby file this common written  
statement.....

statement and say categorically that save and except what is admitted in this written statement, rest may be treated as total denial by all the respondents.

2. That with regard to the contents made in paragraphs 6.1 to 6.6 of the application, the respondents beg to state that they have nothing to comment.

3. That with regard to the contents made in paragraph 6.7 of the application, the respondents beg to state that TDM is empowered to issue the transfer and posting orders to the officials in the interest of service considering various factors. In this connection DOT order No.1-16/82 T.E.I dated 19.9.86 on Reorganisation of Telecom Circle Annexure II Para 7 may kindly be seen, copy of which is annexed herewith and marked as Annexure R-1.

4. That with regard to the contents made in paragraph 6.8 of the application, the respondents beg to state that TES Group 'B' is not a time bound post. Vacant posts are filled on all India basis on permanent basis. In case officiating arrangements made for these posts, it will be done as per the Circle Gradation of JTOs. There are more than 20 JTOs available before the applicant and his chances of getting officiating immediately does not arise.

5. That with regard to the contents made in paragraph 6.9 of the application, the respondents beg to state.....

state that senior-most in SSA does not count for getting officiating chance as SDE. There are more than 20 JTOs before him in the circle gradation list and his chance of becoming senior-most does not help him to get officiating in Manipur SSA.

6. That with regard to the contents made in paragraph 6.10, the respondents beg to state that report asked from concerned TDM regarding early implementation of the order No.STB/ES-3/Tenure/XI dated 25.8.95.

7. That with regard to the contents made in paragraph 6.11, the respondents beg to state that TDM/Imphal could not implement the transfer orders due to development targets fixed for completion of various Telecom projects in Manipur SSA. However, order was issued when it was administratively possible. The contention of the official/applicant that the delay has been intentionally done is totally wrong and not tenable.

8. That with regard to the contents made in paragraph 6.12, the respondents beg to state that the longest stay in Imphal refer to longest stay JTO in Manipur SSA only under TDM Imphal whose jurisdiction covers the entire state.

Contd/-.

9. That with regard to the contents made in paragraph 6.13, the respondents beg to state that the promotion of the applicant will not be affected by issue of transfer orders as the promotion orders are issued on All India basis.

10. That with regard to the contents made in paragraph 6.14, the respondents beg to state that the transfer order is issued to JTOs having the longest stay under TDM/Imphal. The applicant is the one having longest stay at the time of issue of orders and accordingly orders were issued.

11. That with regard to the contents made in paragraph 6.15, the respondents beg to state that the officiating promotion to TBS Group 'B' is as per gradation list of N.E. Circle comprising all the 6 SSAs and there are more than 20 JTOs in the gradation list above the applicant and the officiating chances immediately does not arise. TDM is empowered to issue transfer and posting orders as per direction of circle office beyond Head Quarters also.

12. That with regard to the contents made in paragraph 6.16 of the application, the respondents beg to state that such problems are quite normal in every transfer which everybody faces as the transfer is a part of our service conditions. The childrens are very small, studying in Nursery and Class I standard. Adequate facilities for education for such children are available at Wokha where the applicant has been posted.

Contd/-..

13. That with regard to the contents made in paragraph 6.17 of the application, the respondents beg to state that there are all normal transfers and posting as per service conditions and these orders are issued in the interest of service of the Department without causing much inconvenience to officials.

14. That with regard to the contents made in paragraph 6.18, the respondents beg to state that the transfer order issued is very much in order as the applicant is the longest stay JTO in **Manipur** SSA and it is issued only in the interest of service.

15. That with regard to the contents made in paragraph 6.19, respondents beg to state that the representation of the applicant dtd.14.6.96 has been forwarded by TDM/Imphal and the same has been disposed of on 22.8.96 as per guidelines of this Hon'ble Tribunal.

16. That with regard to the contents made in paragraph 6.20, respondents beg to state that the promotion of JTO to TBS Group 'B' is not time bound. It is given on All India basis. In case, officiating promotion, it is considered as per gradation list of W.E. Telecom Circle and there are more than 20 JTOs in the list senior to the applicant. Hence the possibility of the applicant of getting officiating promotion to Manipur SSA does not arise immediately. Order has been issued that Md. Rasid Ahmed, JTO Wokha, is to be relieved by the longest stay JTO under TDM/Imphal only, There is no order issued by the Respondent.....

Respondent to post Shri Jashbanta Singh as a reliever of Md.Rashid Ahmed.

17. That with regard to the contents made in paragraphs 6.21 & 6.22 of the application, the respondents beg to state that the order dated 3.2.96 is issued legally and rightly on the basis of rules of the Department and in the interest of service and the allegation of the applicant that the order is a malafide one is denied by the respondents.

18. That with regard to the contents made from paragraph 6.23 to 6.26 of the application, the respondents beg to state that they have nothing to comment.

19. That with regard to the contents made in paragraph 6.27, the respondents beg to state that the transfer order is very much in order and it is a follow up action of the instructions of Government of India regarding relieving of official posted at a tenure station on completion of a fixed term. It will not also affect the promotional opportunities of the applicant.

20. That with regard to the contents made in paragraphs 6.28, 6.29 & 6.30, the respondents beg to state that they have nothing to comment.

21. That with regard to the contents made in paragraph 7.a to 7.d, the respondents beg to offer the following comments against each:-

Contd/-...

a. That school facilities are available in Wokha and at the time of issue of orders admission is not difficult one.

b. The applicant is the longest stay JTO in Manipur SSA and hence the transfer is in order and it is not a mala fide one.

c. That the transfer orders are issued in the interest of service and as per rules only.

d. That the transfer of the applicant will not affect his promotion. Officiating promotion to vacancies in Manipur SSA is as per Circle Gradation List. There are more than 20 JTOs senior to the applicant and thus the applicant's getting officiating promotion immediately does not arise.

22. That the present application is ill-conceived of law and mis-conceived of facts.

23. That there being no any cause of action, the application is liable to be dismissed.

24. That the present application is having no merit at all and as such the same is liable to be rejected summarily.

25. That the respondents beg to submit that the stay order granted by this Hon'ble Tribunal had

put.....



put the respondents in a very difficult situation and as such the entire administrative system has been disturbed. The stay order granted by this Hon'ble Tribunal may kindly be vacated.

26. That the respondents crave leave of filing additional written statement is this Hon'ble Tribunal so directs.

27. That this written statement is filed bonafide and in the interest of justice.

### VERIFICATION

I, Shri C.Murmu, Vigilance Officer, in the office of the Chief General Manager, N.E.Telecom Circle, Shillong do hereby solemnly affirm and declare that the contents made in paragraph 1 of this written statement are true to my knowledge and those made from paragraph 2 to 21 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 7th day of October, 1996 at Shillong.

Signature  
21/10/96  
DEPONENT

Witness  
Signature of  
Vigilance Officer  
N.E. Telecom Circle, Shillong

3/11/86  
8 M.C. Bisc  
9- 86 (166)  
No. 1.16/86  
Government of India  
Ministry of Communications  
Department of Telecommunications  
...

Dated, at New Delhi, the

19 SEP 1986

To

All Heads of Telecom Circles.  
All Heads of Major/Minor Telephone Districts.  
(By Name)

Sub: Reorganisation of Telecom Circles on the  
basis of Secondary Switching Areas as  
basic Units - instructions regarding.  
.....

A reference is invited to this Office Memo  
of even number dated 8.4.1985, regarding reorganisation  
of Telecom Circles on the basis of Secondary Switching  
Areas as the basic units of management.

2. After reviewing the progress made so far in  
the implementation of the SSA reorganisation scheme,  
it has now been decided that all Telecom Circles/  
Districts should take time bound action, as mentioned in  
para 5 below, for implementation of the scheme in  
stages. All stages should be completed within a month  
of receipt of this letter and compliance reported to  
this office.

3. It is hereby made clear that these reorgani-  
sation instructions are not dependent on creation of new  
posts. The SSAs may be placed under District Engineers/  
District Manager or General Manager by readjustment  
and redeployment of existing available officers.

4. The organisational set up envisaged in a SSA  
is given in the Annexure I. Annexure II clarifies how  
cases of merger of Major/Minor Telephone Districts with  
their SSAs and coming under the control of Telecom  
Circles, are to be treated.

5.0 Implementation Action.

5.1 Each and every SSA should be clearly  
demarcated and boundaries of jurisdiction ad-justed so  
that no Area remains split and placed partially under  
different officers (see Annexure IV).

Assets falling in each Area should be merged  
in stages as follows :

5.2 The 5 Major Telephone Districts of Ahmedabad, Bangalore, Hyderabad, Kanpur and Pune will take over the respective Secondary Areas in which they are located and come under the control of the G.M. of the Telecom Circles. The G.M. Telephones will be redesignated as G.M. Telecom District and the DE'st in-charge of the Secondary Area will report to him.

In case the DE'st control other Secondary Areas also, and the Secondary Area being taken over by the G.M. Phones does not justify the post of DE, then the G.M. will take over only the assets in his Secondary Area; the post of DE and incumbent will go to the other portion showing Headquarters, if necessary. The Area Managers will cease to have control over the Secondary Area taken over by the G.M. Telephones.

The set up under the new G.M. Telecom District will be reorganised as indicated in Annexures I and II.

5.3 The 23 Minor Telephone Districts of Agra, Allahabad, Amritsar, Bhopal, Baroda, Calicut, Chandigarh, Coimbatore, Ernakulam, Gauhati, Indore, Jaipur, Jalandhar, Lucknow, Ludhiana, Madurai, Nagpur, Patna, Rajkot, Surat, Trivandrum, Vijayawada and Varanasi will also take over the concerned Secondary Areas on the same basis. The DMST will be redesignated as Telecom District Managers and the set up reorganised as indicated in Annexures I and II.

5.4 If there is only one Telegraph Engineering Division over a full Secondary Area after boundary adjustment as in para (i), then the Divisional Engineer will be redesignated as Telecom District Engineer. The District will continue to function under the Area Manager as at present. There will be no change in the set up in such Secondary Areas.

5.5 If there are two or more Telegraph Engineering/Telephone Divisions or part of them in any one Secondary Area, they will be merged with the Secondary Area, after designating the officer-in-charge of the Division with the larger workload as the Telecom District Engineer.

5.6 If more than one Secondary Area is controlled by any Telegraph Engineering Division, then the Divisional Engineer in-charge will be redesignated as Telecom District Engineer of the Secondary Area in which he is headquartered or of the Secondary Area having the largest proportion of the total workload. He will continue to look after the other Secondary Areas until such time as the workload in the different Secondary Areas increases to justify formation of independent Telecom Districts, under separate Telecom District Engineer.

87 (3) 167

5.7 Chief Accounts Officer of the G.M. Telecom Circle will act as the Circle Accountant and will monitor the budget and consolidate and compile the accounts for all the SSAs falling within the jurisdiction of the Circle. He will in addition act as Financial Adviser to the G.M. Telecom Circle. The Chief Accounts Officer of the District will continue to act as Financial Advisers to the District Managers and General Managers and will cease functioning as Circle Accountant. Circle Accountant's functions in respect of such Secondary Switching Areas will hereafter be performed by the Chief Accounts Officer of the Telecom Circle except for pension and GPF matters. Detailed instructions in this regard are enclosed in Annexure III.

6. Your personal attention is requested to ensure smooth implementation. As this is an item on which the Department is required to submit progress reports under "Action plan on major issues of the Department" to the Cabinet Secretariat/Prime Minister's office, priority is to be accorded in implementing the scheme.

7. This letter may kindly be acknowledged.

(N. Narasimhan)  
Director (TE)

Encl:- Annexures I, II, III and IV.

Copy to :-

1. PS to S.M.
2. PS to Secretary(T).
3. Member(TP)/Member(TD)/Member(TO)/Member(TT)/Member(F).
4. All DDsG in the Directorate.
5. General Managers Telephones, Calcutta/Madras.
6. M.D., Mahanagar Telephone Nigam.
7. G.M., Mahanagar Telephone Nigam, Delhi/Bombay.
8. All Directors in the Directorate.
9. All Heads of Administrative units.

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Annexure-II

No: 1-16/82-TE-I

Dated:-

CHANGES IN THE TELECOM ORGANISATION RESULTING  
FROM THE

Merger of Telegraph Engineer/Telephone Divisions  
and/or Major/Minor Telephone Districts with SSAs.

Some of the items enumerated in Annexure-II are further amplified below as applicable to cases of merger of Telegraph Engineering/Telephone divisions and Minor/Major Telephone Districts with Secondary Switching Areas:-

1. When the Telephone Districts take over the Secondary Areas or when the Telegraph Engineering/Telephone Divisions in an area merge, the establishment staff of the Districts/Divisions will also be merged as far as the centralised functions of planning, recruitment, accounting (including TRA), payment of salaries, disbursement etc. are concerned. The headquarters of the common establishment will also be the headquarters of the Telecom District.

Action will be taken to review the justification of all posts in the common establishment and to reduce those positional and other posts rendered surplus as a result of merger.

2. After shedding the common functions of planning, recruitment etc. to the Telecom General Manager/District Manager/Telecom District Engineer, a territorial DE will have only technical functions and responsibilities such as supervision of maintenance and operation of assets, construction, installation etc. as applicable.

The territorial DE will exercise administrative and financial powers to a limited extent as in the case of a Divisional Engineer Phones in the present Telephone District set up.

His headquarters will not change.

.....2/-

3. Recruitment - Transfers and Postings.

Recruitment for all cadres for the entire Secondary Area will be done by the Telecom District G.M./District Manager/District Engineer, according to schedule of powers and, all the new recruits including departmental candidates will have transfer liability over the whole Secondary area. The existing staff of the erstwhile Telephone District and the Telegraph Engineering Divisions will also have transfer liability over the entire Secondary Switching Area, but to avoid hardship to the individuals, such liability for those recruited already to the specific units may be confined only to those units as far as possible taking into consideration individual options. Officials coming under Rule 38 transfer, and those recruited afresh both departmental and outsiders, will, however, have full transfer liability over the whole Area.

4. Appointing Powers:

The appointing authority for each cadre will be the officer of appropriate rank in the Telecom District. Similar is the case for disciplinary powers.

5. RTPs and Casual Mazdoors.

RTPs and casual mazdoors of the respective units will be merged together and relative seniorities fixed based on the number of days they have worked.

6. Merging seniority lists of different cadres.

6.1 For promotions other than One Time Bound Promotion and for other purposes Circle level common seniority lists/gradation lists are already available for most Telephone Districts and Divisions.

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When a number of Divisions merge together in a Secondary Area, and are to be controlled by one Telecom District Engineer or Telecom District Manager, all the divisional cadres should be merged together as common Secondary Area Cadres as per existing guidelines.

6.3 In the case of merger of Major Telephone Districts with the Secondary Area, the divisional cadres of the Telegraph Engineering Divisions and of the Major District will be merged immediately as per existing guidelines.

6.4 As regards merger of Circle cadres of the Major Distt. and the Telecom Circle, to start with, separate Circle level gradation lists as existing for the Major Telephone District staff and the Telecom Circle staff and promotions and other matters on this basis may continue as at present for a period of five years. Officials of the Telephone District and the Engineering divisional cadres merged with the Telephone Distt. will be considered for promotion to the Circle cadres of the Major District only for five years. Similarly, officials of the other Areas will be considered for promotion to the Telecom Circle cadre posts only for five years. After five years, the Circle cadre staff of the G.M. Telecom District (erstwhile Major District) and the Circle cadre staff of the Telecom Circle will be brought on a common gradation list.

#### 7. Postings and Transfers

Posting of officers by the Directorate will be to the Telecom Circle including for the Telecom Districts. The G.M. of the Telecom Circle will, in turn, post the officers to the individual units. Postings within the Secondary switching area will be done by the Telecom District G.M./ District Manager/District Engineer, according to schedule of powers.

8. Vigilance.

Vigilance unit in the Telecom Circles will have jurisdiction over the Major District coming under the control of the Circle. The vigilance units of the Major/Minor Telephone Distt. after merger will have jurisdiction over the entire Secondary Switching Area.

9. Unions and JCM.

For the purpose of dealing with the Union, the Telecom Districts will be considered on par with the present divisional units. In future, there will be only one JCM for the entire Circle including the Major Telephone District concerned.

10. Planning and Installation.

Allocation of equipment, stores and funds will be made by the Directorate for the Telecom Circles consolidating the requirements of Major Telephone Districts also coming under the Circles' control. The head of the Telecom Circle will, in turn, re-allot these to the Telecom Districts. While the local exchange requirements and the Secondary Area networking requirements may be planned by the existing planning unit of the G.M. Telephones, inter-Area linking, TAX/Telex junction requirements and other Long Distance network planning will be coordinated by the planning unit of the Circle Office.

All correspondence between Telecom Districts and the Directorate will be through the Head of the Circle.

11. Telephone Advisory Committee.

There will be separate Telephone Advisory Committees for the Telecom Districts at JAG/SAG level. For all other districts, there will be a common Telephone Advisory Committee at Circle level as at present.

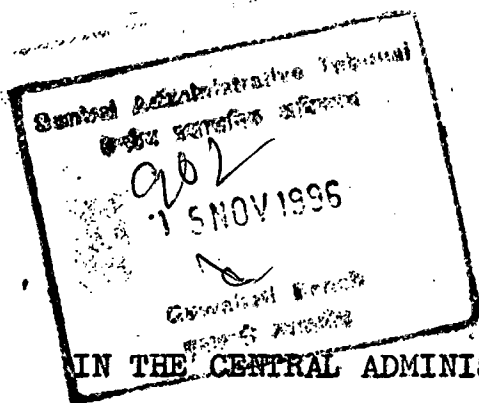


12.

MIS Statement.

The Telecom District G.M./District Manager/District Engineer will compile MIS statements for the entire Secondary Switching Area, but statements may be prepared separately for the existing Telephone District portion and the Telegraph Engineering portion since presently there are different MIS formats for Telephone Districts and Divisions in Circles. MIS Section in the Directorate is contemplating changes in formats in view of the re-organisation taking place and will be issuing revised instructions when finalised. Until then, existing instructions may be followed.

.....



(17)

Central Administrative Tribunal  
Gauhati Bench  
15/11/96

In the matter of :

O.A.No.184/96  
Shri M.S.Singh ... Applicant  
-Vs-  
Union of India & Ors. ... Respondents

-And-

In the matter of :

Written Statement on behalf of the  
Respondent No.3.

I, Ashok Kumar Srivastava,

do hereby solemnly affirm and declare that I am the Respondent No.3 in the above noted case and notice is served upon me by the Hon'ble Tribunal and I have gone through the contents of the application as well as of the order passed by this Hon'ble Tribunal. Being called upon by this Hon'ble Tribunal I file the written statement as follows :-

2. That I fully support the Written Statement filed by Shri G.Murmu, Vigilance Officer, in the office of the Respondent No.2 and hence I find no necessary of filing a fresh written statement.

Contd/-.

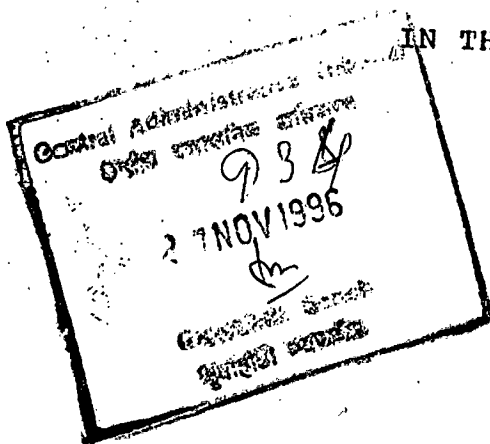
4. That this is filed bonafide and in the interest of justice.

I, Ashok Kumar Srivastava,

AND I sign this Verification on this 7<sup>th</sup> day  
of October, 1996 at Imphal.

Srivastava

सु. संसार शिक्षा संस्थान, इलाहाबाद  
 Velamam Education Manager (Imp)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI

*Filed by*  
*Shanabale*

*S-CCSC*

*27/11/96*

O.A. No. 184 of 1996

Sri M. Samarendra Singh

vs.

Union of India & Ors.

-AND-

In the matter of :

Addl. written statement submitted by  
the Respondent No. 1, 2 and 3 against  
the amended application.

WRITTEN STATEMENT

1. That the Respondents submit their written statement as follows :

1. That the Respondents have already filed this written statements against the O.A. on 9.11.96 and the applicant , by the amended O.A. has added few statements in para 25 of the O.A. and in prayer portion and hence it is necessary to submit this additional written statements against the amended portion of the O.A.

2. That with regard to statements made in para 1 to 24, the Respondents beg to state that they have already replied the same in their earlier written statements.

Contd....P/2

2. The with regard to statements made in para 25 of the amended application, the Respondents beg to state that it was not the intention of the Respondent No. 3 to keep the Representation of the application in cold storage as alleged. As the representation was not brought to the notice of Respondent No. 3 in time so, he could not send the same to the CGMT immediately. The allegation of compelling circumstances against the Respondent No. 3 is also not correct. Original record submitted by the Respondent No. 3 in Contempt Petition will reveal the truth. It is not because of filing Contempt Petition No. 22/96 in O.A. 113/96, the Respondent No. 3 has forwarded the Representation of the applicant to the CGMT, NE Circle. There is no malafide intention of the Respondent No. 3 as alleged.

4. That with regard to statements made in paras 6.26 to 6.30, the Respondents have nothing to be added.

5. That with regard to statements made in para 7 regarding grounds for stay of transfer order are not maintainable in Law as well as in facts and as such, the application is liable to be dismissed.

7. That with regard to statements made in para 9 of the application regarding reliefs sought for, the Respondents beg to state that the applicant is not entitled to anyone of the reliefs sought for and as such the application is liable to be dismissed.

8. That regarding grounds for relief sought for the Respondents beg to state that none of the grounds is maintainable in Law as well as in facts and as such the application is liable to be dismissed.

9. That with regard to statements made in para 10 regarding interim order, the Respondents beg to state that in view of facts and circumstances narrated in both the Written Statements the interim stay order is liable to be vacated.

10. That the Respondents submit that there having no malafide or illegality in the transfer order there is nothing to be interfered with by the Hon'ble Tribunal and as such the application is liable to be dismissed.

11. That the Respondents submit that for administrative convenience an employee can be transferred by the authority at any time even though there is a circular giving some guidelines of transfer, guide lines have statutory force, and hence, S.L. Abbasis Case the husband has not been allowed to stay in Shillong along with his wife by the Supreme Court, though there is a circular/guidelines that husband and wife should be allowed to stay in same station or in same State.

12. That your Respondents submit that in Govt. service there are some inherent difficulties, while ~~there~~ transfer is made but administrative convenience gets upper hand.

13. That your Respondents submit that the transfer having made for administrative convenience and for public interest there is nothing to be interfered with the transfer order by the Hon'ble Tribunal and as such the application is liable to be dismissed.

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

I, G.N. Chyne, Vigilance Officer, in the office of the Chief General Manager, N.E. Telecom Circle, Shillong as authorised do hereby solemnly affirm and declare that the statements made above in the Written Statements are true to my knowledge, belief and information and I sign the verification on this the 26th day of November, 1996 at Shillong.

Declarant



सतर्कता अधिकारी  
VIGILANCE OFFICER  
क. न. महाप्रबन्धक दूरसंचार  
O O C G M T E L E C O M  
उ. पू. परिगण्डल, शिलांग  
N. E. C I R C L E, S H I L L O N G