

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
CIRCUIT COURT AT IMPHAL

Original Application No. 042/00182/2018.

Date of Order: This, the 18<sup>th</sup> Day of December, 2018.

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER**

Smt Sheema Okram  
Aged about 50 years  
W/o O Basanta Singh  
39 Assam Rifles, Kakching  
C/o 99 APO, PIN: 932018  
Resident of Naoremthong Khullem Leikai  
P.O: Lamphel P.S: Lamphel, Imphal West District  
Manipur

...Applicant.

By Advocates: Mr.D.Singh, Mr.N.T.Singh & Mr.A.K.Singh

-Versus-

1. The Union of India  
Represented by the Secretary  
To the Government of India  
Ministry of Home Affairs  
North Block, New Delhi – 110 001.
2. The Director General Assam Rifles  
Record Branch, Laitkore  
Shillong, PIN: 793 011.
3. The Commandant  
39 Assam Rifles, Kakching  
PIN: 932018, C/o 99 APO.
4. IGR South, Assam Rifles

Mantripukhuri  
PIN: 932018, C/O 99 APO.

5. The Commandant  
40 Assam Rifles, Tuensang  
PIN: 932 018, C/o APO.

... Respondents

By Advocate:

**ORDER (ORAL)**

**MANJULA DAS, MEMBER (J):**

By this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 the, applicant is seeking following relief(s):-

“8.1 To set aside and quash the impugned rejection letter bearing No.1.14017/Posting-Tfr/031/Adm-IV(Civ)/2018/013 dated 17 April 2018 issued by the Office of the Director General, Assam Rifle, Record Branch (Adm-IV, Civil) Shillong and its communication letter dated 21.4.2018 (at Annexure-A).

8.2 To direct the Respondents to deferment the posting of the Applicant from his present place of posting at 39 AR, Kakching, Manipur till she complete the 20 years i.e. 1.9.2019 or she may be posted to Mantripukhuri, Thoubal or Pallel till she complete her 20 years in service as to eligible for the pension.

8.3 To pass any other appropriate relief(s) to which the Applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.4 To pay the cost of the application."

2. Mr.D.Singh, learned counsel for the applicant is present. Mr.S.K.Ghosh, learned Addl. C.G.S.C. for the respondents is not present. However, the written statement has been filed by the respondents.

3. This court is holding Circuit Court at Imphal to render speedy justice to the litigants of the interior places like Imphal of Manipur. This transfer matter of 2016 had been filed by the applicant in the State of Manirpur. Therefore, we are not inclined to adjourn the matter on the ground of absence of the learned counsel for the respondents. Accordingly, the matter is finally disposed of by considering the stands of the respondents taken in their written statement and the documents annexed therein.

4. Learned counsel for the applicant submits that the applicant joined as Senior Teacher in Assam Rifles School on 01.09.1999 and posted to the 14 Assam Rifles Phek in the State of Nagaland which is a hard station. Thereafter she was posted

in various places like Thoubal, Kakching, Jwalamukhi and Mantripukhri in the State of Manipur and presently she has been posted in 39 Assam Rifles Public School, Kakching, Manipur. According to the learned counsel, applicant all along carried out the transfer orders to various places on completion of her tenure.

5. It is stated by the learned counsel that applicant's husband is a kidney transplant patient and is suffering from Hyper Diabetics since 2015 and there is no one except her to look after her husband. According to the learned counsel, applicant submitted a representation dated 06.02.2018 before the authority praying for extension of tenure on compassionate ground stating as under:-

"Sir, my posting tenure at the present location i.e 39 AR (Kakching) being completed in Mar 2018. Being a lady, I am facing multi domestic problems in my life. I myself witnessing health problems, my husband Shri O Basanta Singh is a kidney transplant patient who is still suffering from Hyper Diabetes and his treatment is still going on. My 20 yrs qualifying service will complete on 01 Sep 2019 and the next day i.e on 02 Sep 2019. I will apply for pension (Affidavit att). Hence, it is requested that my posting tenure may please be extended till Sep 2019 in this location or till the approval of my pension from HQ DGAR."

6. According to the learned counsel, vide the impugned order dated 17.04.2018 the respondents have rejected her prayer for extension without assigning any reason and posted her to 40 Assam Rifles (Tuensang). Learned counsel forcefully argued that applicant is going to complete 20 years of service on 01.09.2019 and will retire voluntarily w.e.f. 02.09.2019 and prayed that she may be allowed to remain in her present place of posting for another nine months till completion of 20 years not only on medical grounds but also on humanitarian grounds, otherwise, applicant will be put to great hardship.

7. In the written statement the respondents have stated that applicant since her initial appointment in the Assam Rifles has availed 4 choice postings out of total 5 postings and has served in Manipur State for more than 18 years out of her total service of 18 years and 9 months. Therefore, keeping in view the posting profile of the applicant and organizational commitments of the Force, the applicant has been directed to proceed on permanent posting to 40 Assam Rifles (Tuensang) by 30.05.2018. The respondents, accordingly, in their written statement contended that for the above reasons the grant of

extension at the present place of posting once again would be against the policy instructions and will not be in the interest of the organization.

8. From the above, it is clear that applicant has already completed 19 years and she has availed 4 choice postings out of 5 postings. However, last choice posting was not considered by the authority and was rejected for the reasons narrated in para 7 above.

9. Be that as it may, the applicant is completing 20 years on 01.09.2019 and it is the categorical stand of the applicant that she is going to retire voluntarily on completion of 20 years from 02.09.2019 and till such time she may be allowed to stay in her present place of posting to take care of his ailing husband. Therefore, we deem it fit to direct the applicant to make a comprehensive representation before the authority by giving her choice places of posting within one month from the date of receipt of this order. On receipt of such representation the respondents shall consider the choice of posting of the applicant else than the places where he earlier served on choice posting within a period of two months thereafter.

Needless to mention that the decision to be taken shall be reasoned and speaking one and be communicated to the applicant forthwith.

10. With the above observations and directions, OA is disposed of. Till the disposal is communicated to the applicant, she shall not be disturbed from her present place of posting at Kakching.

**(NEKKHOMANG NEIHSIAL)**  
**ADMINISTRATIVE MEMBER**

**(MANJULA DAS)**  
**JUDICAIL MEMBER**

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