

GAHC010278772025



2026:GAU-AS:591-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/141/2026

1. THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF DEFENCE, SOUTH BLOCK, NEW DELHI-110001.

2: THE DIRECTORATE GENERAL (PERS)/E1B
ENGINEER IN CHIEF BRANCH
KASHMIR HOUSE RAJAJI NAGAR
NEW DELHI-110011.

3: THE CHIEF ENGINEER HEADQUARTERS
EASTERN COMMAND ENGRS BRANCH
C/O -99 APO PIN-958042.

4: THE GARRISON ENGINEER RANGIA
POST OFFICE- RANGIA RS DISTRICT- KAMRUP (RURAL)
ASSAM PIN-781365

-VERSUS-

MES 281866 RAJESH KUMAR (AAO)
SON OF SRI VISHNU KUMAR KHATRI,
O/O THE GARRISON ENGINEER, RANGIA,
POST OFFICE- RANGIA RS, DISTRICT- KAMRUP (RURAL),
ASSAM, PIN-781365.

For the Petitioner(s) : Ms. B. Sarma, Central Government Counsel.

For the Respondent(s) : Mr. M. Chanda, Advocate.

: Mr. S. Choudhury, Advocate.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20.01.2026

(Ashutosh Kumar, CJ)

We have heard Ms. B. Sarma, learned Central Government Counsel for the petitioners/*Union of India* & 3 Ors. and Mr. M. Chanda, learned Advocate for the sole respondent.

2. This writ petition has been filed by the Union of India challenging the order dated 08.08.2025 passed by the Central Administrative Tribunal, Guwahati Bench (in short, 'Tribunal') in Original Application (O.A.) No.040/211/2024.

3. The respondent is an Assistant Accounts Officer (AAO) with the Military Engineering Services (MES).

4. The whole dispute between the sole respondent and his employer is with respect to his posting and transfer requests under the Government's Posting/Transfer Policies for Civil Employees in the North Eastern region, particularly involving the concepts of "tenure stations" and "peace stations".

5. The respondent was previously posted from Siliguri to Missamari sometimes in the year 2016 as a transfer from peace to tenure station. After 3(three) years, with his entitlement to be posted at a peace station, he was transferred to Gangtok in 2019 on his choice.

Notwithstanding the fact that Gangtok is a tenure station, however, since the respondent had chosen the station to be transferred, it was considered to be a peace station. His turn to be transferred came again in the year 2022 when he was required to be posted at a tenure station.

6. Out of the 3(three) choices that the respondent had given, he was posted at Rangia, which is actually a tenure station.

7. Under normal circumstances, his stay at the tenure station would have been over by 2025 when he would have been required to be returned to a peace station. However, before that, in the year 2024, with reference to a policy decision with respect to transfer, he sought a transfer to the peace station claiming that he had crossed 10(ten) years of service and the Policy required a maximum of 2(two) years of stay at a tenure posting.

8. The Department resisted and took the stand with the transfer turn of the respondent would only mature in the year 2025.

9. The representation preferred by the respondent was rejected by a speaking order, which was challenged by him before the Tribunal.

10. The Tribunal, after having recorded the submissions made on behalf of the parties and referring to the Government of India's Office Memorandum dated 14.12.1983 as well as the Office Memorandum dated 22.07.1998, opined that the respondent was entitled for his choice transfer at a peace station even before his stint at the tenure station would have normally ended in the year 2025.

11. This factual aspect could be debatable to the extent that there are Government of India's Office Memorandums issued by the Finance Department, which would apply to all other Departments and a specific Transfer Policy of the Military Engineering Services which are not even *mutatis mutandis* similar.

12. Be that as it may, presently the dispute does not remain a *lis* to be decided for the reason that the respondent has remained posted, partly because of the litigation, at Rangia from 2022 to 2025, which is a tenure posting.

13. Thus, without making any animadversion at the Tribunal's application of the concerned Office Memorandum regarding transfer, we are of the view that the respondent having completed 3(three) years stint at the tenure station, anyways becomes entitled for a transfer to a peace station.

In fact, the respondent has stayed at the tenure station for more than 3(three) years by now.

14. In that view of the matter; but with a different reasoning, we direct that the order of the Tribunal be complied with and the respondent shall be given a choice posting in any one of the peace stations which is vacant.

15. We further make it clear that the respondent would not be entitled to insist for any particular posting but only for giving his choices amongst the vacant peace stations, where he shall be transferred, preferably, within his choices, subject to the vacancy.

16. With the afore-noted clarification of the Tribunal's judgment, this writ petition stands disposed off.

JUDGE

CHIEF JUSTICE

Comparing Assistant