

**ACTION HISTORY OF RTI REQUEST No.FSOID/R/E/24/00001**

**Applicant Name** Kumar Kalbande

**Text of Application**

Respected CPIO FSI Dehradun Please find attachment. The reply submitted to Secretary MOEFCC New Delhi Now Under RTI Act 2005 Please provide the following 1) True copies of all the relevant documents which supports the matter you mentioned in the letter 2) True copy of all the relevant documents including notesheet It is learn that the court has never approved your trespassing but your office has forged and fabricated court document. It is also learned that FSI does not have certified court copies or digitally signed copies. The chances are forgery may not be denied. In order to appeal the court, I need those documents urgently

**Reply of Application**

please find attachment for sought information.

<b>SN.</b>	<b>Action Taken</b>	<b>Date of Action</b>	<b>Action Taken By</b>	<b>Remarks</b>
1	RTI REQUEST RECEIVED	01/01/2024	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	01/01/2024	Nodal Officer	Forwarded to CPIO(s) : (1) Kamal Pandey
3	REQUEST DISPOSED OF	23/01/2024	Kamal Pandey- (CPIO)	

Print

17-11/2021-FE

I/60382/2023

फ़.सं17-11/2021.-एफ ई (ई – 163122)

भारत सरकार/Government of India

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change

(वन स्थापना अनुभाग/Forest Establishment Division)

इंदिरा पर्यावरण भवन,

Indira Paryavaran Bhawan

छठा तल, जल स्कंध, अलीगंज, जोरबाग रोड,

6<sup>th</sup> Floor, Jal Wing, Aliganj, Jorbagh Road

नई दिल्ली/New Delhi -110003

दिनांक : 19.12.2023.

To

Shri Kumar Kalbande  
R/o CPWD Type 4 Qtr-1,  
Block 66, Civil Lines,  
Nagpur,  
Maharashtra  
Email: kumarkalbande@gmail.com

Subject: Requesting permission to approach "United National High Commissioner for Human Right" – reg.

Sir,

I am directed to forward herewith a copy of Report dated 4.10.2023 on the subject noted above for your kind information.

Encls.: as above

Yours faithfully



(B.R. Meena)

Under Secretary to the Government of India

E-mail ID: birbalmeena.69@gov.in

Tel. No.: 011-20819272,

File No. 13-15/2022-Admin-Part-1- 1028  
Government of India  
Ministry of Environment, Forest & Climate Change  
Forest Survey of India  
P.O.-I.P.E., Kaulagarh Road  
Dehradun248195-

Date 4 October 2023

To,

The Secretary to the Govt. of India  
Ministry of Environment, Forest and Climate Change  
4<sup>th</sup> Floor, Agni Wing  
Indira Paryavaran Bhawan (SU Section)  
Jor Bagh Road, Aliganj  
New Delhi- 110003

(Kind Attention- Sh. Sanjay Kumar Chauhan, AIGF)

**Subject: Requesting permission to approach "United Nation High Commissioner for Human Rights"-regarding**

**Ref: Ministry's email dated 08.08.2023**

Madam,

Kindly refer to the above email on the above mentioned subject. At the outset it is submitted that:

1. Sh. Kumar Kalbande had been serving in Forest Survey of India, Regional Office (Central), Nagpur since 2009. Three charge sheets have been issued to Sh. Kumar Kalbande for the following charges and the inquiries are going on:-
  - i. Complaint of Sexual Harassment of Women at Workplace.
  - ii. Securing job in Forest Survey of India, Regional Office (Central), Nagpur with fake experience certificate signed by his father who was working in the Forest Department of Government of Maharashtra.
  - iii. Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting.
2. He was transferred from Regional Office, Nagpur to Regional Office, Kolkata by order No. 7-4/2010-Adm-1224 dated 30.07.2021 along with 04 other employees i.e. 2 Senior Technical Assistants and 2 Junior Technical Assistants in the public interest. **It is to be noted that since his transfer order he has not joined at Forest Survey of India, Regional Office (Eastern), Kolkata office yet.**
3. He had filed a case OA No. 514/2021 *Kumar Kalbande Vs. UOI & Ors* in the CAT, Nagpur against his transfer, in which the CAT rejected his prayer for interim relief. After that he had filed Writ Petition No. 3967/2021 *Kumar Kalbande Vs. UOI & Ors* in the Hon'ble High Court, Nagpur challenging his transfer order. In this case the **Hon'ble Court has upheld the transfer**



order of Director General, Forest Survey of India and has quashed the petition and issued strictures that his behavior is unbecoming of Government servant for his various acts. The excerpts from the judgement of the Hon'ble High Court are reproduced below:-

*"The petitioner has been posted to Nagpur, through-out since inception i.e. from the year 2009 and it is only now, for the first time, that the petitioner has been transferred from Nagpur to Kolkata."*

*"The post of the petitioner is transferable though, he submits, that there is no regulation fixing a minimum period of service at a particular station. But, he agrees that period of 13 years for a Government Officer to spend at one station continuously is very long period of time."*

*"The object of transfer of Government Officers is to prevent creation of vested interests to promote transparency in the administration, and to ensure good governance. If a Government Officer remains posted for such a long period of 13 years in one go, the object and purpose of the transfer of a Government Servant gets frustrated. It, therefore, follows that a Government Servant like the petitioner, who has continuously remained fastened to Nagpur for 13 long years must not and cannot contend that he has a right to be at Nagpur and that he should not be transferred to a place like Kolkata. In fact employer of the petitioner has been quite benign so far, as could be seen from the fact of posting of petitioner at Nagpur even after his promotion."*

*"Keeping in mind, the object of the transfer of Government Officer and long continuous stay at Nagpur, we are of the view that now, the petitioner has lost his right to challenge his transfer from Nagpur to Kolkata."*

*"The transfer order, in our considered view, serves the object of transfer of the Government officers and has been issued in public interest as stated earlier, and, therefore, there is no ground whatsoever available here to find any fault in the transfer order."*

4. Even after Sh. Kumar Kalbande's transfer, he used to visit Nagpur office and create unruly scenes. The then Regional Director, Regional Office (Central), Nagpur has prohibited his entry in the office premises by issuing a notice dated 17.08.2021, this notice was also challenged by Sh. Kumar Kalbande in the Hon'ble High Court on which Hon'ble Court opined as follows :

*"By the notice dated 17.08.2021, entry of the petitioner in the office has been prohibited and the reason for the same is also stated. The reason is that, it was found by the superior officers of the petitioner that in spite of his transfer from Nagpur to Kolkata, the petitioner was visiting the office and creating some scenes, which have been described to be unruly... If this is so, we are of the view that the petitioner is indulging in a behavior unbecoming of a Government officer and this submission made on instructions on behalf of the petitioner is no less than misconduct on the part of the petitioner. On this ground as well, this petition deserves to be rejected."*

5. Further, from the period 01.04.2020 to 31.03.2021 Sh. Kumar Kalbande attended office only for 41.5 days and remained absent for 261.5 days without any prior or post sanction. His unauthorized absence for 2018-19 and 2019-20 has similar trend. His unauthorized absence in



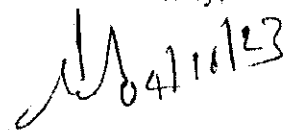
each year is more than 150 days. He has been issued memos for unauthorized absence and poor punctuality by the Regional Directors of FSI Central Zone, Nagpur in the past also.

6. Sh. Kumar Kalbande was unauthorized absent from duty since 04.12.2020 till his transfer from Forest Survey of India, Regional Office (Central), Nagpur to Forest Survey of India, Regional Office (Eastern), Kolkata on 30.07.2021. During that period, Sh. Kumar Kalbande has submitted a medical reimbursement claim for his Covid hospitalization which could not be paid by Forest Survey of India, Regional Office (Central), Nagpur office due to paucity of funds. As Sh. Kumar Kalbande was transferred from Forest Survey of India, Regional Office (Central), Nagpur on 30.07.2021 and his Last Pay Certificate was also sent to Forest Survey of India, Regional Office (Eastern), Kolkata, his medical claim for Covid hospitalization for the period from 17.12.2020 to 01.04.2021 was also forwarded to his current place of posting i.e. Forest Survey of India, Regional Office (Eastern), Kolkata. He has already been intimated by the office of the Director General, Forest Survey of India, Dehradun that his pending claims can be settled only after he joins duty in the new office, Forest Survey of India, Regional Office (Eastern), Kolkata.
7. Through various emails to officials of Ministry Sh. Kumar Kalbande claimed that he is not having sufficient amount to book his tickets to join Regional Office (Eastern), Kolkata. In this regard, DG, FSI have already communicated to Sh. Kumar Kalbande that his tickets to Regional Office (Eastern), Kolkata will be booked by office as and when he wishes to join his current place of posting i.e. Regional Office (Eastern), Kolkata.
8. Shri Kumar Kalbande has not been paid salary as he is unauthorizedly absent from duty from 04.12.2020 and zero leave balance at his credit as on 01.01.2021, his salary has not been drawn from 01.01.2021 to till date (except for the period from 05.01.2021 to 09.01.2021 & 12.03.2021). He has already been intimated by the office of the Director General, Forest Survey of India, Dehradun that his pending claims can be settled only after he joins duty in the new office, Forest Survey of India, Regional Office (Eastern), Kolkata. However, he is absent from duty for more than two years and not joined his duty till date. The AG's office upon through examination has put on recovery of an amount of Rs. 6, 26,629/- and this has been communicated to Shri Kumar Kalbande many a times.
9. Shri Kumar Kalbande has produced a certificate of temporary disability. In support of the claim of temporary disability made by Sh. Kumar Kalbande; this matter has been referred to his current employer Forest Survey of India, Regional Office (Eastern), Kolkata for submission of proper application, medical certificate and other relevant document
10. Recently, Police Inspector (Crime), Nagpur Police has issued Notice to Shri Kumar Kalbande under section 149 of CrPC 1973, wherein he has been warned that except departmental enquiry days, he shall not venture into office or office premises of FSI, Nagpur or else strict action will be taken.

11. Moreover, vide letter dated 28.07.2023, Police Inspector (Crime), Nagpur Police has communicated that all the false complaints filed by Shri Kumar Kalbande at Police Station, Gittikhadan, Nagpur has been disposed.
12. More than 50 RTIs, Appeals and Grievances on public grievance portal have been filed by Sh. Kumar Kalbande and all the RTIs, Appeals and Grievances have been suitably replied.
13. Numerous baseless and false complaints have also been sent to Hon'ble President, Prime Minister Office, Ministers, VIPs, Court of Chief Commissioner for Persons with Disabilities (Divyangjan), National Commission for Backward Classes, National Human Rights Commission etc. by Sh. Kumar Kalbande, which have been suitably replied time to time.

This is issues with the approval of Director General, Forest Survey of India.

Yours faithfully,



(Prakash Lakhchaura)  
Deputy Director General  
Forest Survey of India



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3967 OF 2021

Kumar s/o Bhaskar Kalbande

Vs.

Union of India, New Delhi and others

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

Shri Saurabh S. Bhende, Advocate for petitioner.  
Mrs. Suhasini N. Deshpande, Advocate for respondent No.1.

CORAM : SUNIL B. SHUKRE AND  
ANIL L. PANSARE, JJ.

DATE : 27<sup>th</sup> OCTOBER, 2021.

Heard Shri Bhende, learned counsel for the  
petitioner.

2. The petitioner has questioned his transfer order dated 30.07.2021 transferring him from Forest Survey of India, Central Zone Nagpur to Forest Survey of India, Eastern Zone Kolkata. The grievance of the petitioner is that his transfer order is actuated by malice as in the Communication dated 16.03.2021, the respondent No.4, levelling some allegations against the petitioner, requested the Director General of Forest Survey of India, to immediately transfer the petitioner to any other station and that just a day before issuance of the transfer order, the respondent No.2 had received a request application from Shri R.D. Patil, Junior Technical Assistant, for his transfer from Bangalore Zone

to Central Zone at Nagpur, which was granted just a day after on 30.07.2021.

3. The learned counsel for the petitioner, however, admits that the petitioner has been posted to Nagpur, through-out since inception i.e. from the year 2009 and it is only now, for the first time, that the petitioner has been transferred from Nagpur to Kolkatta.

4. The learned counsel for the petitioner also admits that the post of the petitioner is transferable though, he submits, that there is no regulation fixing a minimum period of service at a particular station. But, he agrees that period of 13 years for a Government Officer to spend at one station continuously is very long period of time.

5. The object of transfer of Government Officers is to prevent creation of vested interests to promote transparency in the administration, and to ensure good governance. If a Government Officer remains posted for such a long period of 13 years in one go, the object and purpose of the transfer of a Government Servant gets frustrated. It, therefore, follows that a Government Servant like the petitioner, who has continuously remained fastened to Nagpur for 13 long years must not and cannot contend that he has a right to be at Nagpur and that he should not be transferred to a place like





Kolkata. In fact employer of the petitioner has been quite benign so far, as could be seen from the fact of posting of petitioner at Nagpur even after his promotion.

6. Keeping in mind, the object of the transfer of Government Officer and long continuous stay at Nagpur, we are of the view that now, the petitioner has lost his right to challenge his transfer from Nagpur to Kolkatta.

7. About some allegations made in the letter dated 06.05.2021, we find that the transfer order dated 30.07.2021 makes no mention of these allegations, does not consider them at all and does not rely on them in any way. The transfer order dated 30.07.2021, rather, shows that it states the reason of "public interest". If this is the reason stated in the transfer order, which we find to be in consonance with the unduly long tenure of petitioner at Nagpur, and the object of the transfer of Government Servants, there would be no ground for us to question the wisdom of the authority in transferring the petitioner. This transfer order, at the cost of repetition, we say that it has not been influenced in any manner by what is stated in the communication dated 06.05.2021 addressed by respondent No.4 to respondent No.2. The transfer order, in our considered view, serves the object of transfer of the Government Officers and has been issued in public interest as stated

earlier, and, therefore, there is no ground whatsoever available here to find any fault in the transfer order.

8. As regards the contention that one Mr. R.D. Patil had made a request for his transfer from Bangalore to Nagpur on 29.07.2021 and it was granted the next day, which showed malafides on the part of the respondent No.2; we must say that even this is not reflected in the order dated 30.07.2021 which is assailed here. Again, we would say that the order has been issued in public interest and it serves the object of the transfer of a Government Officer, as explained by us earlier.

9. The learned counsel for the petitioner, at this stage, has invited our attention to the notice dated 17.08.2021 in order to support his contention that the transfer in question here is by way of a punishment. We don't think that this argument deserves any acceptance by us. By the notice dated 17.08.2021, entry of the petitioner in the office has been prohibited and the reason for the same is also stated. The reason is that, it was found by the superior officers of the petitioner that in spite of his transfer from Nagpur to Kolkatta, the petitioner was visiting the office and creating some scenes, which have been described to be unruly. The learned counsel for the petitioner does not deny the fact that the petitioner, even after his transfer, was trying to



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visit his office. Rather, he submits that the petitioner wanted to visit the office after his transfer order, in order to continue with his official work. If this is so, we are of the view that the petitioner is indulging in a behaviour unbecoming of a Government Officer and this submission made on instructions on behalf of the petitioner is no less than misconduct on the part of the petitioner. On this ground as well, this petition deserves to be rejected.

10. In view of above, the petition stands summarily rejected. No costs.

*Prity*

JUDGE

JUDGE