

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.040/00120/2016

Date of Order: This the 29th Day of November, 2017

HON'BLE MOHD HALEEM KHAN,ADMINISTRATIVE MEMBER
HON'BLE MR.S.N.TERDAL, JUDICIAL MEMBER

1. Thiyam Kiran Singh
Accounts Officer, CTC, Salonibari,
Sashastra Seema Bal,
Son of late Thiyam Konungjao Singh,
Office of the Deputy Inspector General
SSB CTC Slonibari, Assam

Applicant

By Advocate Mr.G.Rahul

-Versus-

1. The Union of India
Represented by its Secretary,
Ministry of Home Affairs,
Govt. of India, North A`Z Block,
New Delhi-110001
2. The Directorate General of Sashastra Seema Bal
East Block-V,R.K.Puram
New Delhi-110066
3. The Assistant Director (Pers.I), SSB
Office of the Directorate General
Sashastra Seema Bal
East Block-V,R.K.Puram
New Delhi-110066.
4. The Deputy Inspector General,
CTC, SSB, Salonibari, Sonitpur, Assam

Respondents

By Advocate Ms.G.Sutradhar, Addl.C.G.S.C.

Date of Hearing : 20.11.2017

Date of Order:29.11.2017

(O R D E R)

Per Hon'ble Mr.S.N.Terdal), Member (J):

This O.A. has been filed by the Applicant seeking the following reliefs:-

“(a) Impugned Order No.6/SSB/A-1/99(10)Vol-II/11284-91 dated 21.08.2015 issued by the Assistant director,(pers-1) (respondent No.3) whereby the applicant has been transferred from CTC, SSB, Salonibari to FTR, Hqrs, SSB, Siliguri, impugned order under No.6/SSB/A-1/99(10)?vol-II/3049-62 dated 09.03.2016 issued by the Assistant Director, (Pers.I) (respondent No.3) whereby the applicant has been transferred to SHQ, SSB, Lakhimpur Kheri instead of FTR, Hqrs, SSB, Siliguri and impugned FAX message issued under No.6/SSB/A-1/99(10)/Vol-!/4202-03 dated 13.04.2016 by which the representation submitted by the applicant was rejected be set aside and quashed.”

2. Heard Mr.G.Rahul, learned counsel for the Applicant and Ms.G.Sutradhar, learned Addl.C.G.S.C. for the Respondents. Perused the pleadings and all the documents produced by both the parties.

3. The Applicant has filed this O.A. challenging the transfer mainly on the ground that he has not yet completed his tenure of 3 years in the NE Region as per the Transfer Guidelines and in his representation dated 17.3.2016, he has stated that the Departmental Enquiry has been started against him and if he is transferred he would be put to prejudice in defending his case in the Departmental Proceedings. The Respondents in their written statement stated that Applicant has been transferred as the Departmental Enquiry has been initiated against him and he is likely to influence the witnesses.

4. The Applicant has stated that he was posted in the present post on 25.6.2014. His case is that by the date of the last impugned transfer order dated 9.3.2016 he had put in 1 year, 8 months. He has been granted an interim order staying the transfer order. As on to-day, he has completed more than 3 years. But however, according to his representation dated 17.3.2016 has not been considered and only by a cryptic Fax Message issued under No.6/SSB/A-1/99(10)/Vol-I/4202-03 dated 13.04.2016 his representation has been rejected. He further submitted that his defense in the Departmental proceedings will be hampered if the transfer order is given effect to. In the circumstances, we are of the opinion that the Respondents should be directed to

dispose of the representation made by the Applicant by a reasoned and Speaking Order.

5. Accordingly, the O.A. is partly allowed. The Fax Message issued under No.6/SSB/A-1/99(10)/Vol-I/4202-03 dated 13.04.2016 is set aside. The Respondents are directed to dispose of the representation of the Applicant dated 17.3.2016 by a reasoned and a Speaking Order, until then the transfer order dated 21.8.2015 and 09.3.2016 shall not be given effect to. No order as to costs.

(S.N.TERDAL)
JUDICIAL MEMBER

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

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