

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00263/2018

Date of Order: This, the 8th day of August 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER

1. Sri Sunanda Seal
Son of Late Mahendra Nath
Resident of :Village Tilana, P.O.
Mangkuchi, P.S.-Nalbari
Dist: Nalbari, Assam
Permanent address-Hengerabari,
Rupkonwar Path, Guwahati-781036
P.S-Dispur, P.O.Dispur
District-Kamrup (metro), Assam
2. Sri Jadab Chandra Boro
Son of Sri Kali Ram Boro
Resident of _Basisstha , Bijoypur
P.O.& P.S_Basistha Chriali
Guwahati-781029
Dist: Kamrup (Metro), Assam Applicants

By Advocates: Ms.P.Chakraborty

-Versus-

1. The Union of India, represented by the Secretary
Ministry of Finance, Department of Financial Services,
Jeevan Deep Building 10, Parliament Street ,
New Delhi-110001 through its Under Secretary.
2. Ministry of Finance Department of Financial Services,
Debts Recovery Appellate Tribunal, Kolkata
represented by its Registrar,
9 Old Post Office Street,
7th Floor, Kolkata -700001.

3. The Registrar
Debts Recovery Tribunal, Apsara Building, 1st Floor,
Dr.B.Baruah Road, Guwahati-781007.
District –Kamrup (Metro), Assam

...**Respondents**

By Advocate: CGSC

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

The applicants prays for permission to move this application jointly in a single application under the provisions of section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1985. Permission is granted

2. Learned counsel for the applicants submitted that the applicants are serving as Recovery Inspector and Assistant at the Debts Recovery Tribunal at Guwahati. They are initially appointed by the Directorate of Geology and Mining in the year 1991 and Directorate of Cultural Affairs respectively. During the year 1997/1998 they had joined the Debts Recovery Tribunal on deputation and absorbed in the year 2001. Neither at their initial appointment nor deputation or absorption their service condition contemplated transfers. All of a sudden the Service Rule has been altered by the Debts Recovery Appellate Tribunal, Kolkata by amending the

Service Rule in exercise of powers conferred under section 30 of the DRT Act of 1993. The new Rule contemplated "transfer" the amendment was given effect to on 8th June, 2018. Transfer order were issued on 31.07.2018 to amended Rule of 2018 transferring applicant No.1 to Kolkata DRT and Applicant No.2 to Cuttack DRT releasing the incumbents on that day directing them to join new place of posting.

3. Being aggrieved with the impugned transfer order dated 31.07.2018, the applicants approached before this Tribunal for setting aside the same and to allow them to be worked at the present place of posting i.e. the Debt Recovery Tribunal, Guwahati.

4. Heard the learned counsel for the applicant, perused the pleadings and material placed before us.

5. In view of the above, without going into the merits of the case and for the ends of justice, we direct the applicants to make a comprehensive representation before the respondents authority within a period of 15 days from the date of receipt of this order.

6. It is needless to mention that the representation shall be disposed of by the respondent authorities within three months from the date of receipt copy of this order by giving adequate opportunity to the applicant of being heard and whatever decision is taken thereto shall be

communicated to the applicant within forthwith. Till disposal of the representation, the applicant shall not be disturbed.

7. Accordingly, O.A. stands disposed of at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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