

## CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH

Original Application No. 040/00272/2018

Date of Order: This, the 14<sup>th</sup> day of July 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER  
HON'BLE MR.N.NEHSIAL, ADMINISTRATIVE MEMBER**

1. Dr.Parthajyoti Gogoi  
Son of Sri Ganesh Chandra Gogoi,  
Director (In-charge) and Govt. Analyst.  
Regional Drugs Testing Laboratory,  
Six Mile, Guwahati-781022 Applicant

By Advocate Mr.M.Chanda

-Versus-

1. The Union of India  
Through the Secretary to the Government of India  
Ministry of Health & Family Welfare,  
Nirman Bhawan, Kotla Road, New Delhi-110011.
2. The Director General of Health Services,  
Nirman Bhawan, New Delhi-110011.
3. The Deputy Director Admn (D)  
CDSCO,DGHS, FDA Bhawan  
ITO, Kotla Road, New Delhi-110002.
4. Dr.S.Venkatesh  
Director General of Health Services,  
Nirman Bhawan, New Delhi-110011

5. Sri Vum Mang  
 The Deputy Director Admn.(D)  
 CDSCO, DGHS  
 FDA Bhawan, ITO, Kotla Road  
 New Delhi-110002

6. A.Senkathir, DDC(I)  
 DDC(I),CDSCO  
 Regional Drugs Testing Laboratory,  
 Six Mile, Guwahati-781022.

Respondents

By advocate : None

### **O R D E R (O R A L)**

#### **Per Hon'ble Manjula Das, Judicial Member:**

By this O.A. applicant makes a prayer for setting aside and quash the impugned order No.A22013/01/2018 dated 10.08.2018 and to direct the respondents to allow him to continue at his present place of posting at Guwahati in the same capacity

2. Mr.M.Chanda, learned counsel for the applicant submitted that the applicant is working as Director, in-charge and Govt. analyst in the Regional Drugs Testing Laboratory, Guwahati. He is holding additional independent charge of (i) Regional Director ROHFW,

Guwahati, (ii) Director National Tobacco Testing Laboratory (first tobacco testing laboratory in South East Asia) and (iii) Airport Health Officer for Guwahati Airport. He is aggrieved with the impugned office order dated 10.08.2018 whereby the applicant has been transferred from the post of Director (In-charge) and Govt. Analyst Regional Drugs Testing Laboratory, Guwahati to office of DDC (1), CDSCO, Jammu. Learned counsel for the applicant further submitted that the impugned transfer order dated '10.08.2018 has been issued in violation of the Govt. of India's O.M. dated 30.09.2009 (Posting of husband and wife at the same station). Wife of the applicant is working as Sub-Teacher (English) in Ulubari Government Higher Secondary School, Guwahati under the Government of Assam. As such, the applicant is entitled to be posted at Guwahati in terms of para (vii) of the D.O.P&T's O.M. dated 30.09.2009 on spouse ground where the applicant's wife is serving as Sub-Teacher (English) in Ulubari Government Higher Secondary School, Guwahati under the Government of Assam.

5. Heard the learned counsel, perused the pleading and material placed before us.

6. It is noted that the impugned transfer order dated 10.08.2018 was issued by the Respondent No. 3 whereby transferring

the applicant from RDTL, Guwahati to O/o DDC(I), CDSCO, Jammu Sub-Zone, Jammu. It appears from the said impugned transfer order that the respondent authority without waiting for the stipulated period, relieved the applicant with immediate effect that too far place. Thus, it seems to be not a fair play on the part of the respondent authority.

7. However, without expressing our opinion, we feel it *prima facie* fit case to take a decision by the respondent authority first inasmuch as the applicant did not prefer any representation before the authority for redressal of his grievances by stating in the BAR that as the applicant on the very day is supposed to be relieved. Hence without going into the merit of the case and in the interest of justice, we direct the applicant to make a comprehensive representation by narrating his grievances in detail to the competent authority within a period of 15 days from the date of receipt copy of this order. On receipt of such representation, the respondent authority before whom the representation is proposed to be made shall consider and dispose of by giving adequate opportunity to the applicant of being heard within a period of three months thereafter.

8. Needless to mention that the decision so arrived by the respondent authority shall be a reasoned and speaking and be

communicated to the applicant forthwith. Till disposal of the representation and communication, the impugned office order dated 10.08.2018, shall be kept in abeyance so far the applicant is concerned.

9. Further ordered that if the applicant has already been relieved, he shall be allowed to resume his duties in the present place of posting at Guwahati immediately.

10. With the above observation and direction, the O.A. stands disposed of accordingly at the admission stage. No order as to costs.

**(N.NEIHSIAL)**  
**ADMINISTRATIVE MEMBER**

**(MANJULA DAS)**  
**JUDICIAL MEMBER**

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