

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/404/2020

Date of Order: 26.05.2020

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

Shri Joydeep Paul Majumder, son of Jyotirmoy Paul Majumder, aged about 35 years, working for gain as Works Manager, Rifle Factory, Ishapore, North 25 Parganas, West Bengal and residing at 7, AJC Bose Road, Kolkata - 700063.

--Applicant

-Vs-



1. The Union of India, service through the Secretary, Ministry of Defence, Department of Defence Production, having office South Block, New Delhi - 110001.
2. Ordnance Factory, Board Service through DGOF & Chairman, Ordnance Factory Board, 10A, SK Bose Road, Kolkata - 700001.
3. The Member/Per Ordnance Factory Board, 10A, SK Bose Road, Kolkata - 700001.
4. Secretary, Ordnance Factory Board, 10A, SK Bose Road, Kolkata - 700001.
5. General Manager, Rifle Factory Ishapore, North 24 Parganas, West Bengal, Pin - 743144.

--Respondents.

For The Applicant(s): In Person

For The Respondent(s): None

ORDER (O R A L)

Per: Dr. Ms. Nandita Chatterjee, Member (A):

Aggrieved by his order of transfer from WM/RFI to WM/OFBOL, the applicant has approached this Tribunal praying for the following specific relief:

- "a) To cancel and/or quashed and/or not to give any effect or further effect to the Order dated 2.3.2020 vide No. 381/4815/PER/G.

b) A direction upon the respondent authority to consider the representation filed by the applicant on 4.4.2018, 26.11.2018, 3.3.2020 and further directed to pass a reason order after considering the all aspects.

c) A direction upon the respondent authority to give the posting of the petitioner in Kolkata City Region in Research and Development Section of the Ordinance Factory Board considering the present situation.

d) Direction upon the respondent No. 4 to consider the prayer of the applicant as forwarded on 7.3.2020 vide memo No. 341/6/JPM/ESTT/20 by the Joint General Manager Administration, Rifle Factory, Ichapore."

2. The applicant has filed this application in person. There is no representation on behalf of the respondents. Copies of electronic communication of this application to the respondent authorities is taken on record.



3. The applicant's case, in brief, is that the applicant is an IOFS Officer presently working as Works Manager, Rifle Factory, Ishapore. On 02.03.2020, the respondent No. 2 communicated a transfer order, (annexed at Annexure A-3 to the O.A), by which the applicant was directed to report to his new unit at OF, Bolangir, Orissa immediately. According to the applicant, the settled principle in transferring officials in Group A Category posts has been violated in his order of transfer and also that there are other Works Managers who have been serving in such capacity for much longer period than that of the applicant and, hence, the decision to transfer him was an arbitrary action of the respondent authorities.

The applicant had represented on 4.4.2018 and 26.11.2018, (Annexure A/IV to the O.A), requesting for his posting in the Kolkata City Region but such representations remained pending at the end of the respondent authorities. The applicant submitted further representations on 3.3.2020, (Annexure A/V to the O.A), followed by a reminder dated 12.03.2020, (Annexure A/VI to the O.A), requesting for reconsideration of his transfer

orders, but the respondent authorities failed to decide on the same, and, accordingly, being aggrieved, the applicant has approached this Tribunal in the instant O.A.

4. As there is nothing on record to substantiate that the respondent authorities have acted or taken any decision on the representations of the applicant, we feel it would not serve any useful purpose in adjudicating the instant matter on merit.

5. Accordingly, we would direct the competent respondent authorities to dispose of the representations of the applicant dated 4.4.2018, 26.11.2018, 03.03.2020 and 12.03.2020 (at Annexure A/IV, A/V and A/VI respectively), in accordance with law, and, to convey their decision in the form of a reasoned and speaking order to the applicant within 6 weeks of receipt of the copy of this order.

6. The respondent authorities, however, will not take any coercive action against the applicant or compel him to join his transferred place of posting till disposal of his representations.

7. With the above directions, the O.A is disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss