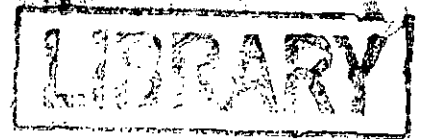


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



OA/350/350/2020

Date of Order: 20.03.2020

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



Sri Pradip Das, son of late Habul Ch. Das, aged about 59 years, working as Commercial Supervisor (I), residing at 7K, Krittibush Mukherjee Road, Kolkata 700067.

.....Applicant

Vrs.

1. Union of India, through the General Manager, Eastern Railway, Fairle Place, Kolkata – 700001.
2. The Senior Divisional Personnel Officer, Eastern Railway, Fairle Place, Kolkata – 700001.
3. The Senior Divisional Commercial Manager, Eastern Railway, Howrah Division, Howrah – 711101.
4. Chief Parcel and Luggage, Inspector, Eastern Railway, Howrah Division, Howrah – 711101.

.....Respondents

For the Applicant(s): Mr. Pradip Das, applicant in person

For the Respondent(s): Mr. B.N.Thakur, Chief Law Assistant, E.Railway, Howrah

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Mr. Pradip Das, applicant appearing in person, and the departmental representative, viz. Mr. B.N.Thakur, Chief Law Assistant, Eastern Railway, Howrah, who has been deputed in terms of our notice dated 18.03.2020 as no counsel on 18.03.2020 appeared due to a resolution of Bar Council of West Bengal.

2. This O.A. has been filed by the applicant to seek the following reliefs:

"Office order dated 12.03.2020 issued by the Chief Parcel Inspector, Eastern Railway, Howrah, cannot be sustained in the eye of law and the same may be quashed".

AB.

3. Applicant submits that his daughter is suffering from Brain Tumor (Meningitis). She is under treatment at Bangalore and cannot work properly and, at this juncture, it would be very difficult for him to take charge and join duty at the transferred place as he will have to undertake 6 hours of journey from his present place of residence to the place of transfer. He has already made prayer vide his representation dated 16.03.2020 (Annexure-A/6) to allow him to perform duty at Howrah, which is yet to be disposed of.

Applicant would also draw our attention to the Board's Personnel Branch

Sl. Circular in terms of RBE No. 17/2012, which clarifies as under:

E[NG]II/70/TR/28 dt. 14.10.70	General Managers could however, exercise their discretion to transfer non-gazetted staff from Stations/Posts against whom there are complaints-the man with longest stay being shifted first and those on the verge of their retirement {with one(1) or two (2) years service left} may be exempted if complaints against them are not serious.
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Placing the above, the applicant would submit that since he is on the verge of retirement, his date of retirement being 31.03.2021, he ought not be transferred at the fag end of his service career.

However, we find that no such prayer has been made in his representation dated 16.03.2020 citing the aforesaid provision.

4. Mr. B.N.Thakur, Chief Law Assistant, representing respondents, submitted that the respondents would consider his pending representation and pass appropriate orders.

5. In view of the fact that the applicant has failed to make any prayer in terms of the Board's Order enumerated (supra), we permit the applicant to make a fresh comprehensive representation to Sr. DCM, Eastern Railway, in course of this week, which, if preferred, shall be disposed of by an appropriate competent authority within four weeks from the date of receipt of the representation in the light of the provisions to be cited by the applicant in the representation and the Board's Order extracted supra. Accordingly, an order would be issued by the respondents within such period and till such time the applicant shall not be compelled to join the place of transfer.

6. The O.A. is accordingly disposed of. No costs.

7. Urgent certified copies be supplied to the parties for communication and strict compliance.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

RK

