



CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No. 350/90/2020

Bipul Krishna Sikder, S/o Bimal Krishna Sikder, aged about 44 years, working for gain as Clerk (8336892) at Metal and Steel Factory, Ishapore under the overall control of Controller General of Defence Accounts at present residing at No. 5, Government Scheme, Saktinagar, Palta, P.O. Bengal Enamel, Pin - 743122.

..Applicant

- Vs -

1. Union of India service through the Secretary,
Ministry of Defence, South Block,
New Delhi - 110001.
2. Controller General of Defence Accounts,
Ulan Batar Road, Palam, Delhi Cantt- 110010.
3. Principal Controller of Accounts (Factories),
10A, S. K. Bose Road, Kolkata - 700001.
4. Controller of Finance & Accounts,
Bengal Group of Factories, ATS Building,
Rifle Factory, Ishapore, P.O. Nawabganj, Pin - 743144.

... Respondents

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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/90/2020

Date of Order: 23.01.2020



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

Bipul Krishna Sikder.....Applicant

Vrs.

Defence.....Respondents

For The Applicant(s): Mr. C.Sinha, Counsel

For The Respondent(s): Mr. P.N.Sharma, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. This application has been preferred by the applicant to seek the following reliefs:

"a) To set aside and quash Impugned Transfer Order No. ANX/10050/10-2018/TR 183-913 dated 18.04.2019 as regard applicant is concerned whose name appears at TR No. 883.

b) To set aside and quash Impugned Letter No. G/22/XXXVI dated 14.01.2020.

c) To direct the respondents to allow the applicant to continue in his present post at Metal and Steel Factory, Ishapore by exempting him from transfer under Clause 8(v) of Transfer Policy dated 28.03.2014."

3. At hearing, Ld. Counsel for the applicant submitted that by way of representation dated 03.01.2020 the applicant has sought for consideration of his case in terms of Para 8(v) of the Transfer Policy, which lays down as under:

"8. Exemption from transfer/deferment:

B

Exemptions/Deferments may be considered in the following circumstances:

- (i) xxx xxx xxx
 xxx xxx xxx

(v) Single parents with child/children up to 18 years of age."



Since the representation is pending, Ld. Counsel for the applicant submits that he would be satisfied if a direction is given to the respondents to consider the representation in the light of the aforesaid guidelines.

4. Ld. Counsel for the respondents disputes that the representation has been sent to the appropriate authority. Ld. Counsel for the applicant, at this juncture, would point out that the representation was sent through proper channel.

5. Be that at it may, the representation seems to be pending but since Ld. Counsel for the respondents disputes receipt of the same, applicant is given liberty to make a fresh representation in course of this week, which if preferred, shall be considered and disposed of by the competent authority within four weeks from the date of receipt of the same in the light of the reference (supra). In the event, respondents find that the applicant is a single parent, they shall pass appropriate orders modifying the transfer order.

Till such time, applicant shall not be compelled to join the transferred place.

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

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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