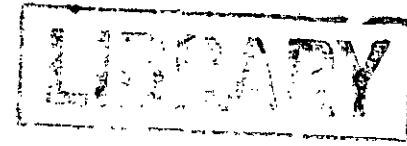


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/351/135/2020

Date of Order: 05.02.2020



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

Shri Biswanath Bain, son of Late J.C.Bain, aged about 58 years, residing at Village – Rampur, Post Office – Rangat, Tehsil Rangat, Middle Andaman, 744205, working as Block Development Officer at Community Development Block, North & Middle Andaman, Mayabunder, Pin-744204, under Andaman and Nicobar Administration.

.....Applicant

Vrs.

1. Union of India, service through the Secretary, Ministry of Home Affairs, Government of India, South Block, New Delhi – 110001.
2. The Lieutenant Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair – 744101.
3. The Andaman & Nicobar Administration, service through the Chief Secretary, Secretariat, Port Blair – 744101.
4. The Secretary (RD, PRI & ULBs), office of the Deputy Commissioner, South Andaman, Port Blair – 744101
5. The Director of (RD, PRI & ULBs), office of Directorate of RD, PRI & ULBs, Marine Hill, Port Blair – 744101.
6. The Deputy Commissioner, North and Middle Andaman, Mayabunder, Pin 744204.
7. Smt. K. Nachiammal, Pramukh Panchayat Samiti, North and Middle Andaman, Mayabunder, Pin 744204.
8. Shri Kishori Lall, Block Development Officer, CD Block Middle Andaman, Pin 744205.

.....Respondents

For The Applicant(s): Mr. P.C.Das, Ms. T.Maity, Counsel

For The Respondent(s): Mr. R.Halder, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicant has preferred this O.A. to seek the following reliefs:

"a) To pass an appropriate order directing upon the respondent authority that in terms of the Transfer Policy circulated by the Andaman and Nicobar Administration vide circular dated 30th July, 2007 the case of the applicant may be considered for his posting at Rangat C.D. Block within the N & M Andaman District, Mayabunder to the post of Block Development Officer or he may be allowed to continue to the said post till his superannuation after April, 2021 at C.D. Block, Mayabunder;
b) The respondents be directed that in terms of their own Transfer Policy circulated vide Circular dated 30th July, 2007 appearing at Annexure A-5 of this original application, the applicant should be transferred to any long distance place and he may be accommodated in the N & M Andaman District, Mayabunder till his superannuation;
c) To pass an appropriate order directing upon the respondent authority not to transfer the applicant from C.D. Block, Mayabunder to C.D. Block, Campbell Bay and to accommodate the applicant in the North & Middle Andaman District at Mayabunder till his superannuation."

3. At hearing, both the Ld. Counsels agree that the matter can be disposed of with direction upon the respondents to consider the applicant's prayer to come back at Rangat since the applicant is due to superannuate in April, 2021. However, Ld. Counsel for the respondents submits that the applicant's prayer can be acceded to only if the vacancy is available at Rangat or the applicant may offer three nearby places, to which Ld. Counsel for the applicant submits that there is vacancy in Rangat.

4. In view of the above, we direct the authorities to consider applicant's prayer in accordance with transfer policy and, if vacancy is available at Rangat,

post him at Rangat. Let appropriate orders be passed by the competent authority by four weeks from the date of receipt of a copy of this order.

5. Ld. Counsel for the applicant apprehends that applicant shall be transferred to Port Blair. Ld. Counsel for the respondents submits that there is no reason or basis for such apprehension.

6. O.A. is disposed of accordingly with no order as to costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK