

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00160/2020

Date of Order: This, the 19th day of August 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

Shri Anil Chandra Dutta
MTS (Peon) Civil Construction Wing
All India Radio, Guwahati
Sub Division – 1, Chandmari
Guwahati – 781003 (Assam).

...Applicant



By Advocates: Sri I Hassan & S. Ahmed

-Versus-

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Information and Broadcasting
A Wing, Shastri Bhawan
New Delhi – 110011.
2. Prasar Bharati
Represented by its Chief Executive Officer
Mandi House, Copernicus Marg
New Delhi – 110001.
3. The Station Director
All India Radio, Guwahati, Chandmari
Guwahati – 781003 (Assam).
4. The Executive Engineer (Civil)
Civil Construction Wing
All India Radio, Guwahati, Chandmari
Guwahati – 781003 (Assam).
5. Asstt. Engineer (Civil)
Civil Construction Wing
All India Radio, Guwahati, Chandmari
Guwahati – 781003 (Assam).

...Respondents.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J)

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking for the following reliefs:-



“8.1 To set aside and quash the impugned order dated 23-07-2020 vide CWG/AIRAdmn/3/(7)/Vol-III/2019-20/364 and CWG/AIR Admn./3/(7)//2020/413, dated 05-08-2020, both issued by the respondent No. 4, in so far as it concerns the applicant.

8.2 To direct the respondent authorities to forbear from giving effect to the impugned order of transfer dated 23.07.2020 and 05.08.2020 in so far as it concerns the applicant.

8.3 Cost of the application.

8.4 Any other relief/relieves to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal upon consideration of the matter.”

2. Sri I Hassan, learned counsel appearing on behalf of the applicant submits that his client is aggrieved with the impugned order dated 23.07.2020 issued by the respondent No. 4 i.e. the Executive Engineer (Civil), Civil Construction Wing, All India Radio, Guwahati, by which he was sought to be transferred to Civil Construction Wing (CCW in short), AIR, Guwahati Subdivision to CCW AIR, Guwahati Division in the same capacity i.e. MTS (Peon). According to the learned counsel, vide said impugned

order dated 23.07.2020, he was also directed to be relieved from CCW, AIR, Guwahati Sub Division – 1 w.e.f. 31.07.2020 and instructed to report for duties at CCW, AIR, Guwahati Division.

3. Learned counsel has drawn my attention to para 4.5 of the O.A. and submits that the applicant is a critical neuro patient of acute backache (lower spine) and he has been suffering from acute illness since last six months. The attending Doctor advised the applicant not to ride the staircase for upward and downward movement and even not to attend frequent movement/travelling for his safety measures. According to the learned counsel, the existing place of working is situated on a building of ground floor whereas the transferred place of working would be at 4th floor having no lift facility. As the nature of work of a Grade-IV employee like Peon is to move frequently throughout his place of work, it would be very difficult on the part of the applicant to ride staircases as he is a neuropathy patient having acute lower spinal backache.

4. Learned counsel for the applicant further submits that applicant submitted one representation before the respondent No. 4 on 30.07.2020 with a prayer to





reconsider the impugned transfer order dated 23.07.2020 narrating all the factual details as stated above. But, without heeding to the earlier representation dated 30.07.2020, the respondent No. 4 has issued another notice dated 05.08.2020 by which the applicant was instructed to report for duties in the new place of posting ignoring the health condition of the applicant. Learned counsel submits that as per advice of the attending Doctor, the applicant has undergone MRI investigation on 20.08.2020 at INPACT Diagnostic Pvt. Limited, Guwahati and the MRI report of the applicant shows a critical condition of his health stating as "*thecal and Neural compression and acute annular tear L4-L5*". Accordingly, learned counsel prays for intervention of this court by staying the operation of the impugned orders dated 23.07.2020 and 05.08.2020 respectively.

5. Heard sri I. Hassan, learned counsel for the applicant. Perused the pleadings and documents placed before me.

6. As the representation dated 30.07.2020 submitted by the applicant before the respondent No. 4 (The Executive Engineer (Civil), Civil Construction Wing, All India Radio, Guwahati) against the impugned transfer order

dated 23.07.2020 is still pending, I deem fit and proper to direct the respondent No. 4 to dispose of the said pending representation within a time frame. Accordingly, with the consent of the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice upon the respondents, I hereby direct the respondent No. 4 to dispose of the pending representation dated 30.07.202, within a period of three months from the date of receipt of a copy of this order.



7. It is made clear that whatever decision to be passed by the respondent No. 4 should be a reasoned and speaking and the same shall be communicated to the applicant forthwith. Till disposal of the representation, applicant shall not be disturbed from his present place of working.
8. With the above direction, O.A. stands disposed of accordingly at the admission stage.
9. There shall be no order as to costs.

**(MANJULA DAS)
MEMBER (J)**

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